

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

MAY 20, 2001

INGRAM BUILDING
7900 HICKMAN ROAD, SUITE 1
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, May 20, 2002, in the Ingram Office Building, Urbandale, Iowa.

MEMBERS PRESENT

James Braun
Lori Glanzman
Kathryn Murphy, Vice-Chair
Gary Priebe
Kelly Tobin
Terrance Townsend, Chair
Rita Venner, Secretary

MEMBERS ABSENT

Lisa Davis Cook
Darrell Hanson – called to say he would not be able to attend due to a business conflict.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Delete: Item 21
- Cancel: Appointment for BeeRite Tire at 1:00 p.m.

Motion was made by James Braun to approve the agenda as amended. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by Kathryn Murphy to approve the minutes of the April 15, 2002 Environmental Protection Commission meeting. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

ELECTION OF OFFICERS

Rita Venner nominated Kathryn Murphy as Chairperson of the Environmental Protection Commission. Seconded by James Braun.
Motion was made by Lori Glanzman to cease nominations.
Rita Venner moved that the Commission unanimously elect Kathryn Murphy. Seconded by Kelly Tobin. Motion carried unanimously.

KATHRYN MURPHY CHAIR

Kelly Tobin Nominated James Braun for vice-chairperson. Rita Venner nominated Gary Priebe for the vice chair position. James Braun said that because he is running for the Iowa House in District 12 he declined the nomination. Kathryn Murphy seconded the nomination for Gary Priebe. Motion was made by Lori Glanzman to cease nominations. Motion carried unanimously.

GARY PRIEBE VICE CHAIR

Lori Glanzman nominated Rita Venner for Secretary. Seconded by James Braun. Motion carried unanimously.

RITA VENNER SECRETARY.

POLLUTION PREVENTION (P2) INTERN PROGRAM SUMMER 2002 STUDENTS

Liz Christiansen, Deputy Director, presented the following item.

The Summer 2002 Pollution Prevention (P2) Interns will be introduced to the Commission at its May 20, 2002 meeting.

The 14 graduate and undergraduate students who participated last summer in the department's initial Pollution Prevention (P2) Intern Program provided the 14 Iowa host companies with specific, well-developed options for reducing pollution. Company-implemented intern recommendations resulted in costs savings of over \$1.5 million with potential savings of over \$5.3 million.

Follow-up on last summer's interns indicate that 8 of the 14 are enrolled or enrolling in graduate programs. Three have switched from their undergraduate majors of Chemistry and Civil Engineering to Environmental Engineering graduate programs. One intern is enrolling in a graduate Environmental Economics program. Another intern was hired by an Iowa firm that employs 800 as their Environmental Manager.

The 2002 Pollution Prevention (P2) Intern Program had 58 student applicants with 38 additional applications from potential interns received after the deadline for a total of 96 applications. Proposals were received from 35 industries and organizations. Fourteen additional proposals were received after the deadline. More than 50% of the companies that hosted P2 interns last year reapplied for a 2002 intern.

Selection criteria for the students applying to the P2 Intern Program was based on the student's transcripts, résumé, cover letter, and application form. Based on their major and interest in specific projects, the most qualified student was matched with a pollution prevention project proposed by an Iowa industry. Some of the business intern project proposals specified a preference for a student with a particular major, e.g., engineering, environmental studies, economics, etc. The students selected displayed the characteristics, knowledge, and background necessary for the business in which they were placed.

The interns, their majors, colleges, department P2BAS Field Engineer advisors, and businesses they will assist in identifying, evaluating and implementing pollution prevention projects during the summer of 2002 are:

Brenda Seggerman	ISU	Chemical/Civil Eng.	Kingsley	Ken White	Alliant Energy - Madison, WI
Christina Walerak	U of I	Chemical Eng.	Eagan, MN	Frank Rosenkranz	American Ordnance - Middletown
Adam Crutchley	ISU	Agricultural Eng.	Mt. Vernon	Charlie McArthur	Apache Hose & Belting - Cedar Rapids
Carlyn Crowe	Drake	MPA	Des Moines	Shelly Peterson	City of Newton Public Works, Landfill Div. - Newton
Michael Strong	ISU	Industrial Tech.	Pella	Ken White	Clow Valve Co. Foundry - Oskaloosa
John Schemmel	ISU	Agricultural Eng.	Monticello	Ken White	Farmland Foods Inc. - Denison
Luke Streit	ISU	Agricultural Eng.	Gowrie	Shelly Peterson	Fleetguard - Lake Mills
Ori Sivan	U of I	Environmental Eng.	Iowa City	Frank Rosenkranz	General Electric Co. (GE) - West Burlington
Jason Assouline	U of I	Civil Engineering	Iowa City	Charlie McArthur	Iowa Precision Ind. - Cedar Rapids
Lucas Koele	U of I	Chemical Eng.	Fort. Atkinson, WI	Charlie McArthur	Kraft Foods North America - Davenport
Arindam Chowdhury	ISU	MTech/Eng Mechanics	Ames	Ken White	Lear Corporation - Iowa City
Christovoru Nicolaus	Drake	MBA/Chem Eng.	West Des Moines	Frank Rosenkranz	Loparex Inc. - Iowa City
Matthew Saur	ISU	Civil Engineering	Iowa City	Shelly Peterson	Maytag Appliances NLP 2 - Newton
Kevin Schulte	ISU	Biology	Marshalltown	Chuck Geguzis	Penford Products Co - Cedar Rapids
Tracey Mack-Boyles	Drake	Env. Science	Des Moines	Shelly Peterson	Polk County - Des Moines
Sara Hill	U of I	Chemical Eng.	Urbandale	Chuck Geguzis	Rockwell Collins - Cedar Rapids
Olivia Mills	ISU	Civil Engineering	Iowa City	Chuck Geguzis	Square D Co. - Cedar Rapids
Jennifer Reutzel	Central	Econ/Env Studies	Winterset	Ken White	Tone Brothers Inc. - Ankeny
Alex Knight	UNI	Quantitative Economics	Cedar Rapids	Shelly Peterson	University of Northern Iowa - Cedar Falls
Jeffrey Kloster	Central	Mech. Eng/ Math	Marengo	Charlie McArthur	Winnebago Industries Inc. - Forest City

The Environmental Services Division appreciates the endorsement of the Commission in providing a forum where government, academia, and business can work together to improve environmental stewardship through the Pollution Prevention (P2) intern program.

Liz Christiansen said that this program has brought the Department of Natural Resources national recognition in its innovative effort to develop expertise in pollution prevention among young people and to help keep young Iowans in Iowa. The suggestions that were made by the 2001 Interns, if implemented, would save Iowa companies over \$5,000,000. Last year there were 14 students in the program; this year nearly 100 students applied and 20 were selected. Half of the companies who participated in last year's program reapplied this year, which were among the forty companies who applied.

Each student introduced themselves and briefed the Commission on where they attended school, their major, and what company they would be working with this summer.

Liz Christiansen introduced Scott VanderHart and Jan Loyson, staff members who are coordinating the program.

INFORMATION ONLY

DIRECTOR'S REPORT

Director Jeffrey Vonk said that he expected no further cuts during the remainder of Fiscal Year 2002, however, the Department could expect extensive cuts in Fiscal Year 2003. He said because of the efforts already made toward reorganization, the Department is in the best possible position to deal with the cuts that will be made. He said the Governor had signed into law the bill dealing with the reorganization, so the Department will be pushing ahead. He announced that the following appointments were now permanent:

Liz Christiansen – Deputy Director

Wayne Gieselman – Environmental Services Division Administrator

Mike Brandrup – Conservation and Recreation Division Administrator

Linda Hanson – Management Services Division Administrator.

He said that Wayne Gieselman is currently working on organizing the Environmental Services division and on filling the vacant Bureau Chief positions. In addition they are moving forward with the rule making for the livestock bill that passed last legislative session. Letters have gone out to the groups that were named in the bill asking that they name an appointee to a committee who will work on finalizing the master matrix, which needs to go to rulemaking by September. He told the Commission because the June meeting would be held in Burlington Iowa the department had decided to postpone the proposed rulemaking for Air Quality Standards. It is expected that a number of people will be interested in attending the meeting dealing with the standards so it will come before the Commission in July. The proposed rules will be reviewed by the various interest groups and then be modified based on the comments received before bringing it to the Commission to begin the formal rulemaking process. In addition the Department is looking to find external expertise to work in conjunction with the internal experts on air monitoring programs on the design and development of a plan for the monitoring program.

Director Vonk said he would be meeting over the next two days with Bureau Chiefs and Division Administrators to bring everyone together on the strategic planning efforts and to discuss expectations and responsibilities under the reorganized department.

FINANCIAL STATUS REPORT FY 02 THIRD QUARTER

Linda Hanson, Division Administrator, Management Services Division, presented the following item.

Attached is the operations' FY 02 third quarter financial status report by division. The report reflects a projected year end general fund balance of approximately \$550,000, only if Park receipts come in as budgeted. Park receipts were budgeted to increase by \$870,000 over actual FY 01 receipts as a result of a camping fee increase. Receipts are currently only \$140,000 ahead of actual FY 01 receipts through March. Any positive general fund balances will be needed to offset any shortfall in actual park receipts.

Iowa Department Of Natural Resources Financial Status Report

TOTAL DEPARTMENT THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$16,007,457	\$11,595,746	\$11,039,715	\$556,031
Federal	\$16,928,510	\$12,370,834	\$9,690,892	\$2,679,942
Administration Fund	\$413,000	\$301,808	\$301,808	\$0
Conservation Fund	\$5,520,689	\$4,034,350	\$4,034,350	(\$0)
Other Funds	\$14,977,160	\$10,944,848	\$8,418,981	\$2,525,866
Groundwater Fund	\$3,818,906	\$2,790,739	\$2,341,549	\$449,190
Fish and Wildlife Trust Fund	\$28,030,164	\$20,483,581	\$19,019,189	\$1,464,393
TOTAL RESOURCES	\$85,695,886	\$62,521,906	\$54,846,484	\$7,675,422
EXPENDITURES				
Personnel	\$52,882,413	\$38,644,840	\$35,742,924	\$2,901,916
Extra Help	\$3,074,740	\$2,144,914	\$1,919,264	\$225,650
Support	\$17,261,104	\$12,613,884	\$11,262,523	\$1,351,361
Contracts	\$9,693,082	\$7,083,406	\$4,667,224	\$2,416,182
Equipment	\$2,784,547	\$2,034,861	\$1,254,548	\$780,313
TOTAL EXPENDITURES	\$85,695,886	\$62,521,906	\$54,846,483	\$7,675,423
ADMINISTRATIVE SERVICES THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$1,433,115	\$1,047,276	\$782,887	\$264,389
Federal	\$1,069,794	\$781,773	\$651,821	\$129,952
Fish and Wildlife	\$2,201,680	\$1,608,920	\$1,671,516	(\$62,596)
Groundwater Fund	\$254,783	\$186,188	\$171,174	\$15,014
REAP	\$703,235	\$513,903	\$498,432	\$15,471
Marine Fuel Tax	\$379,163	\$277,081	\$153,067	\$124,014
Infrastructure	\$215,404	\$157,411	\$120,823	\$36,588
Other	\$714,728	\$522,301	\$477,610	\$44,691
TOTAL RESOURCES	\$6,971,902	\$5,094,851	\$4,527,330	\$567,521

EXPENDITURES				
Personnel	\$5,023,614	\$3,671,103	\$3,339,095	\$332,008
Extra Help	\$165,836	\$121,188	\$116,600	\$4,588
Support	\$1,514,970	\$1,107,093	\$957,570	\$149,524
Contracts	\$40,000	\$29,231	\$0	\$29,231
Equipment	\$227,482	\$166,237	\$114,065	\$52,172
TOTAL EXPENDITURES	\$6,971,902	\$5,094,851	\$4,527,330	\$567,522
DIRECTOR S OFFICE THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$641,322	\$468,658	\$307,749	\$160,909
Federal	\$586,951	\$428,926	\$336,885	\$92,041
Fish and Wildlife	\$398,320	\$291,080	\$278,484	\$12,596
Administration Fund	\$413,000	\$301,808	\$301,808	\$0
Groundwater Fund	\$84,262	\$61,576	\$58,550	\$3,026
Other	\$264,619	\$193,375	\$184,173	\$9,202
TOTAL RESOURCES	\$2,388,474	\$1,745,423	\$1,467,649	\$277,774
EXPENDITURES				
Personnel	\$1,380,667	\$1,008,949	\$986,087	\$22,862
Extra Help	\$98,478	\$71,965	\$26,836	\$45,129
Support	\$866,929	\$633,525	\$447,539	\$185,986
Contracts	\$0	\$0	\$0	\$0
Equipment	\$42,400	\$30,985	\$7,187	\$23,798
TOTAL EXPENDITURES	\$2,388,474	\$1,745,423	\$1,467,649	\$277,774
ENERGY AND GEOLOGY THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$1,656,688	\$1,210,657	\$1,200,562	\$10,095
Federal	\$3,319,560	\$2,425,832	\$1,515,593	\$910,239
Oil Overcharge	\$147,856	\$108,049	\$76,073	\$31,976
Bonding Programs	\$69,148	\$50,531	\$64,375	(\$13,844)
Groundwater Fund	\$245,686	\$179,540	\$119,579	\$59,961
Other	\$366,630	\$267,922	\$245,133	\$22,789
TOTAL RESOURCES	\$5,805,568	\$4,242,530	\$3,221,315	\$1,021,215
EXPENDITURES				
Personnel	\$3,469,426	\$2,535,350	\$2,354,615	\$180,735
Extra Help	\$32,000	\$23,385	\$11,810	\$11,575
Support	\$575,068	\$420,242	\$311,771	\$108,471
Contracts	\$1,562,913	\$1,142,129	\$487,138	\$654,991
Equipment	\$166,161	\$121,425	\$55,981	\$65,444
TOTAL EXPENDITURES	\$5,805,568	\$4,242,530	\$3,221,315	\$1,021,215
ENVIRONMENTAL PROTECTION THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$4,436,344	\$3,241,944	\$3,405,350	(\$163,406)
Federal	\$9,656,128	\$7,056,401	\$5,793,882	\$1,262,519

Air Contaminant Fees	\$6,726,516	\$4,915,531	\$3,581,866	\$1,333,665
Groundwater Fund	\$965,935	\$705,876	\$630,099	\$75,777
Water Protection Fund	\$1,688,086	\$1,233,601	\$788,061	\$445,540
Operator Certification Fees	\$233,028	\$170,290	\$101,741	\$68,549
Manure Certification Program	\$95,075	\$69,478	\$24,382	\$45,096
Stormwater Permit Fees	\$828,514	\$605,453	\$487,930	\$117,523
Well Contractor Fees	\$26,074	\$19,054	\$14,599	\$4,455
Water Supply Lab. Cert. Fees	\$195,982	\$143,218	\$88,185	\$55,033
TOTAL RESOURCES	\$24,851,682	\$18,160,845	\$14,916,095	\$3,244,750
EXPENDITURES				
Personnel	\$13,663,643	\$9,984,970	\$8,972,243	\$1,012,727
Extra Help	\$0	\$0	\$0	\$0
Support	\$3,702,314	\$2,705,537	\$2,199,335	\$506,202
Contracts	\$6,709,425	\$4,903,041	\$3,576,123	\$1,326,918
Equipment	\$776,300	\$567,296	\$168,394	\$398,902
TOTAL EXPENDITURES	\$24,851,682	\$18,160,845	\$14,916,095	\$3,244,750
FISH AND WILDLIFE THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
Fish and Wildlife Trust Fund	\$25,430,164	\$18,583,581	\$17,069,189	\$1,514,393
Corps Condition 5 Funds	\$464,766	\$339,637	\$337,651	\$1,986
TOTAL RESOURCES	\$25,894,930	\$18,923,218	\$17,406,840	\$1,516,379
EXPENDITURES				
Personnel	\$17,520,789	\$12,803,654	\$11,931,915	\$871,739
Extra Help	\$1,222,046	\$893,034	\$688,074	\$204,960
Support	\$5,520,977	\$4,034,560	\$3,992,291	\$42,270
Contracts	\$638,307	\$466,455	\$351,150	\$115,305
Equipment	\$992,811	\$725,516	\$443,410	\$282,106
TOTAL EXPENDITURES	\$25,894,930	\$18,923,218	\$17,406,840	\$1,516,379
FORESTRY THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$1,756,389	\$1,283,515	\$1,345,542	(\$62,027)
Federal	\$522,076	\$381,517	\$381,517	\$0
Forestry Enhancement Fund	\$321,770	\$235,140	\$272,274	(\$37,134)
Forestry Receipts	\$1,131,000	\$826,500	\$826,500	\$0
Other	\$126,031	\$92,100	\$64,748	\$27,352
TOTAL RESOURCES	\$3,857,266	\$2,818,771	\$2,890,581	(\$71,810)
EXPENDITURES				
Personnel	\$2,624,658	\$1,918,019	\$1,799,782	\$118,237
Extra Help	\$133,752	\$97,742	\$153,966	(\$56,224)
Support	\$1,006,463	\$735,492	\$783,257	(\$47,765)
Contracts	\$4,200	\$3,069	\$6,530	(\$3,461)
Equipment	\$88,193	\$64,449	\$147,046	(\$82,597)

TOTAL EXPENDITURES	\$3,857,266	\$2,818,771	\$2,890,581	(\$71,809)
PARKS PRESERVES AND RECREATION THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
General Fund	\$6,083,599	\$4,343,696	\$3,997,625	\$346,071
Federal	\$200,890	\$146,804	\$96,899	\$49,905
Park Receipts	\$4,389,689	\$3,207,850	\$3,207,850	(\$0)
Infrastructure	\$62,649	\$45,782	\$36,295	\$9,487
Other	\$189,290	\$138,327	\$93,021	\$45,306
TOTAL RESOURCES	\$10,926,117	\$7,882,459	\$7,431,690	\$450,769
EXPENDITURES				
Personnel	\$6,020,388	\$4,399,514	\$4,197,799	\$201,715
Extra Help	\$1,248,599	\$810,427	\$810,427	(\$0)
Support	\$3,121,152	\$2,280,842	\$2,169,160	\$111,682
Contracts	\$162,678	\$118,880	\$59,515	\$59,365
Equipment	\$373,300	\$272,796	\$194,789	\$78,007
TOTAL EXPENDITURES	\$10,926,117	\$7,882,459	\$7,431,690	\$450,769
WASTE MANAGEMENT THROUGH MARCH 31, 2002	FY 02 BUDGET	FY 02 BUDGET THRU MARCH	FY 02 ACTUAL THRU MARCH	02 BUDGET LESS ACTUAL 02
RESOURCES				
Groundwater Fund	\$2,518,240	\$1,840,252	\$1,549,647	\$290,605
Federal	\$1,503,111	\$1,098,427	\$867,006	\$231,421
Groundwater Professional Regis.	\$77,834	\$56,879	\$29,767	\$27,112
Hazardous Waste Remedial Fund	\$567,022	\$414,362	\$336,498	\$77,864
Waste Tire Permitting	\$2,000	\$1,462	\$1,163	\$299
LUST Insurance Fund	\$75,000	\$54,808	\$75,000	(\$20,192)
Land Recycling Fund	\$9,040	\$6,606	\$3,021	\$3,585
Waste Volume Reduction Fund	\$183,393	\$134,018	\$77,289	\$56,729
Waste Tire Program	\$64,307	\$46,994	\$45,593	\$1,401
TOTAL RESOURCES	\$4,999,947	\$3,653,807	\$2,984,984	\$668,823
EXPENDITURES				
Personnel	\$3,179,228	\$2,323,282	\$2,161,388	\$161,894
Extra Help	\$174,029	\$127,175	\$111,551	\$15,624
Support	\$994,181	\$726,517	\$412,826	\$313,691
Contracts	\$534,609	\$390,676	\$175,543	\$215,133
Equipment	\$117,900	\$86,158	\$123,676	(\$37,518)
TOTAL EXPENDITURES	\$4,999,947	\$3,653,807	\$2,984,984	\$668,823

Linda Hanson said because the Department has such a small percentage of its operating budget provided by the General Fund it is not in as serious a situation as those department's who are fully funded by the General Fund. The Department expected an increase in camping receipts of

approximately \$870,000 this fiscal year, of which only \$140,000 has been realized through March of 2002. The Department has been asked by the Department of Management as well as the Governor's Office, to project how much it could revert to the General Fund. Toward this end, the Department has refrained from filling General Fund positions and from making purchases of equipment. The Department plans to be able to revert approximately \$260,000.

A brief discussion followed regarding the Free Camping Weekend that was offered to Iowans for the first time this year.

INFORMATIONAL ONLY

PUBLIC PARTICIPATION

Scott Small and Shari Clemson (Proposed Hog Confinement (NPPII) in Brayton, Iowa)

Shari Clemson said they were there because of the proposed hog confinement operation permit for National Pork Production II (NPPII) to be located in their county.

Scott Small said one of their concerns is the alteration of the water flow. He hired an engineer to look at the site and they found many things wrong with the proposed plan. He said the water flow will be altered but there is nothing in their plan that says where the water is going to go. They are concerned about where the water is going to go and what impact it will have on their water sources. He said the company's engineer is off by fifty foot in elevation of the property. His engineer predicts a 40 to 60 percent increase in run off due to the alteration of the natural flow of the water.

Shari Clemson said they were concerned about contamination of the site due to hazardous materials because the proposed site has been cited by the DNR for the violation of improper disposal of materials. Cars and vehicles have been removed from the site but no testing or monitoring has been done to ensure there has been no contamination. Another concern is NPPII's assertion that they only need 20,000 gallons of water per day, which would include consumption by the animals, maintaining a cooling system and any water used to facilitate the manure discharge. According to numerous resources used to determine the average water usage in such a facility she found that 20,000 gallons falls well below those numbers. In addition, it has been successfully argued that NPPII has misrepresented and understated the weight for the animals in their facility. Upon request for modification, NPPII agreed to lower the number of sows that would be housed in the facility and agreed to keep 500 crates open at all times. According to the Iowa Administrative Code 65.1 it states that animal weight capacity is defined as the sum of the average of all animals in a confinement operation when the operation is at full capacity. There are people with health concerns in the area and under 65.7 of the Iowa Administrative Code, the Department of Natural Resources has the authority to revoke a permit based on clear, present, or impending danger to public health or the environment. She said no construction has begun as of yet. They asked that the Commission does not allow any construction to begin until the matter is settled.

James Braun asked if the Department had looked into the issue of the water usage.

Wayne Gieselman said the department has issued a notice of intent to issue a permit. This means that they have sent the draft permit as the Department proposes to issue it. The water issue would have been looked into as part of the permitting process but he cannot answer any specific questions on the case.

Kathryn Murphy asked if Wayne Gieselman would review the material presented to the Commission and make a final decision.

Wayne Gieselman agreed to report his findings to the Commission on this issue.

Director Jeffrey Vonk asked the Commissioners if they were requesting that the Department not issue the permit until the issues brought before them had been resolved to their satisfaction.

Chairperson Kathryn Murphy said they were.

Peggy Murdock (Waste Water Treatment Derivation Procedure)

Peggy Murdock said according to the summary of the comments that were submitted to the Department on this rule it is states that the Department received comments from seventy cities. However, one of the people commenting was Tom Neumann who is an employee of the City of Ames and has been instrumental in devising this procedure and pushing it forward. Ms. Murdock said she called a member of the City Council and asked if this issue had been brought before them and was told that it has not. She said she believes that seventy members of the Water Pollution Association who are employed by cities have sent in comments on this. She said she checked to see if Tom Neumann was representing the City of Ames because being a citizen of Ames she was concerned about how her tax dollar was being spent. She was told that he was on this commission not as a representative of the City of Ames but as representative from Water Pollution Association. She said she did not believe that the citizens of Ames would want to see the pollution going into the South Skunk River increase 100 to 372 percent. The goal of the Clean Water Act is to reduce these emissions to zero. We are going the wrong way and will be giving the wrong signal if this rule is passed.

Elizabeth Horton Plasket (Waste Water Treatment Derivation Procedure)

Elizabeth Horton Plasket, Executive Director of the Iowa Environmental Council said the Iowa Environmental Council requests a retraction of a speculative comment made by Department in the Public Participation Responsiveness Summary for Chapter 61, Water Quality Standards, Phase II Triennial Report. On page four the summary it states, "It is not known if the Hawkeye Fly Fishing Association and the Iowa Environmental Council (IEC) commentators expressed a consensus of their members or simply the concerns of those individuals." This speculation on the part of the Department questions the credibility of their comments and of their organization and is inappropriate. She said for the record, the Iowa Environmental Council is a consensus organization consisting of 78 member organizations and over 500 individual members. In this instance the IEC did meet with their member the Water Pollution Control Association (WPCA). The IEC, the WPCA, and the DNR all agree on the fact that this proposed permit derivation for ammonia will result in greater amounts of ammonia being discharged into water bodies. They do not necessarily agree on the outcome of the proposed

derivation. For this reason the IEC and the WPCA both chose to make comments on May 2. The comments made by the Department that the Council's commentator represented only herself is not only speculative but untrue. They are therefore asking for a retraction and request that in the future if the Department is concerned about such an issue they contact her directly. She said the Council continues to have serious concerns about the proposed permit derivation procedure, as it will allow more ammonia to be discharged. The Council's primary concern is the low flow and protected flow streams where there would be a two or three times increase in ammonia during times in the year of low or no flow. They ask that an assessment of the new permit derivation be done for protected and low flow streams before a final decision is made because the impact of it has not been fully addressed. The council also has concerns about the Department taking a phased approach to the permit derivations and therefore not addressing all of the factors involved.

Steve Veysey (Waste Water Treatment Derivation Procedure)

Steve Veysey said he was representing the Hawkeye Fly Fishing Association. He distributed a handout to the Commission. He said the City of Ames has been running on an expired permit for almost 4 years and Garnavillo has been expired for more than a year and as far as he knows nothing has been done to reissue that permit. In Phase I of the Triennial Review criteria was set for acute and chronic effluent limits, which are necessary to calculate a waste load allocation, stream use designations, stream low flow, or protected flow. The new water quality standards that were approved a year and a half ago have minimal effect on pollution or ammonia discharge. The permit derivation process however has a huge effect. It has been said that the cities will never use the extra discharge capacity but facilities age and as industry comes in and cities and towns grow they will have the additional capacity to discharge ammonia without updating their facilities. He said the most common type of wastewater facility in Iowa is the waste stabilization lagoon, which is a big pit that allows the effluent to stabilize and has a controlled discharge, which is used because facilities are not supposed to discharge during times of low flow, as there is very little treating of the effluent and no testing for ammonia prior to discharge. The three cell aerated lagoons are a continuous discharge system, which are unable to meet ammonia limits in the winter because the technology does not work properly in cold weather. Looking at 121 facilities through the EPA web site, he found that over a third of the facilities that have been permitted recently were permitted using an interim limit. These limits do not have a set limit for ammonia. He said he is concerned that DNR is trying to solve permit problems instead of pollution problems. To solve the pollution problem you must look at what is coming out to of the end of the pipe when a stream does not have assimilative capacity. The protected flow status pretends there is water where there is not. He said the Department indicated that this procedure would be pollution neutral but in reality for the eleven facilities cited as examples there is anywhere from a 73% to 100% increase in allowable discharge.

FINAL RULE CHAPTER 106, RECYCLING OPERATIONS (RESCISSION); CHAPTER 104, SANITARY DISPOSAL PROJECTS WITH PROCESSING FACILITIES (AMENDMENT) CHAPTER 106 TRANSFER STATIONS & CITIZEN CONVENIENCE CENTER (ADOPTION)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the final rule making described above. The Commission approved the Notice of Intended Action at the February 2002 meeting. This rule making was initiated in response to the Governor's Executive Order 8.

A public hearing was held on April 9, 2002 and no one attended. The department received one written comment during the public comment period, and that letter was in support of the chapter as it currently reads. Based upon the public comments received, no revisions to the rule are warranted and it remains as it was proposed in the Notice of Intended Action.

The department developed the new chapter with the assistance of an advisory committee. The 14-member committee was comprised of representatives from solid waste agencies with transfer stations, consulting engineers, solid waste hauling and collection companies, private sector transfer stations, the Iowa Society of Solid Waste Operations (ISOSWO), and the department. The diversity of the committee ensured that all stakeholder groups had input in the rule revision process and all appropriate issues related to the transfer of solid waste have been addressed.

Highlights of the new chapter include:

- Adding definitions of key terms specific to transfer stations and citizen convenience centers;
- Creation of siting, design, and operational requirements for transfer stations and citizen convenience centers;
- Requiring larger transfer stations to have a certified manager on duty;
- Requiring financial assurance. Wayne Gieselman, Division Administrator

(A copy of the final rule is available in the Department's Record Center.)

Wayne Gieselman said he would have staff brief the Commission on most of the items on the agenda, as he is not yet completely familiar with the various programs.

Brian Tormey, Bureau Chief of Waste Management said this rule making is part of the Department's efforts to comply with the Governor's executive order #8. Currently there are no rules dealing with transfer stations because in 1988 there were no permitted transfer stations. Today there are approximately 30 so the Department felt it was important to develop specific rules for the operation of these facilities. These rules were developed with the assistance of an advisory committee comprised of representatives from solid waste agencies, consulting engineers, public and private operators of transfer stations and Iowa Society of Solid Waste Operations (ISOSWO). He said he had a staff member, Jeff Myrom available to answer any questions the Commission might have.

Kelly Tobin asked when this rule would become effective if approved.

Jeff Myrom said it would be effective in July and that there is a provision in the rule for existing transfer stations, if they are not in compliance with the rules they will be allowed up to two years to come into compliance.

Motion was made by James Braun to approve the rulemaking as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT METRO WASTE AUTHORITY - REGIONAL COLLECTION CENTER EXPANSION

Wayne Gieselmann, Division Administrator for the Environmental Services Division presented the following item.

The Department received two (2) applications (Landfill of North Iowa and Metro Waste Authority) requesting financial assistance during the March 2002 round of funding. A contract with Landfill of North Iowa in the amount of \$35,312 was approved by the Commission at its April meeting.

Additional information was requested from Metro Waste Authority and a revision to the application was received. The review committee recommends moving forward with a contract with Metro Waste Authority in the amount of \$46,934.

Metro Waste Authority is requesting grant assistance to locate a satellite facility in Hardin County. The application includes a service area expansion using a satellite collection facility and expansion of the main facility to provide for the extra volume of HHMs. With the approval of this contract, Metro Waste Authority will serve 19 counties through their main regional collection center, satellite facilities, and mobile collection services. In total, the statewide Regional Collection Center network will serve 59 Iowa counties.

A description of the recommended project is attached.

BACKGROUND

Regional Collection Centers are permanent facilities that provide hazardous waste management education and on-going access to proper disposal of hazardous materials generated by conditionally exempt small quantity business generators, urban and rural households.

Since 1994, fifteen (15) regional collection centers have been sited across Iowa serving 58 counties. In Fiscal Year 2002, regional collection centers received hazardous waste from more than 19,497 households and conditionally exempt small quantity generators. Over 1.8 million pounds of hazardous waste was collected for proper management and disposal. Approximately 68 percent of these hazardous materials were managed locally for recycling or reuse (i.e. latex paint, used oil, and lead-acid batteries). Hazardous waste not managed locally was collected by various hazardous waste haulers for out of state landfill disposal or fuel blending.

At this time, the Department is requesting Commission approval to enter a contract with Metro Waste Authority subject to applicant receipt of their solid waste permit or permit amendment.

Regional Collection Center Program**April 2002 Review Team Recommendations**

Applicant: Metro Waste Authority

521 E. Locust St.
Des Moines, IA 50309

Request Amount: \$46,934

Contact: Jeff Dworek
(515) 967-2076 ext. 102

Description: This is an application for expansion of the existing Regional Collection Center and for the addition of a new satellite facility in Hardin County.

New Counties to be served: Hardin

Cost Share Amount: \$71,122

Additional Households Supported: 7,525

HHM Diversion Estimate: 35,028 lbs

Review Team comments:

- Opportunity to expand permanent support to an additional county at a lower cost than the Toxic Cleanup Day program requires.
- Expansion of education of HHM to CESQG businesses and local households.
- Expansion of current Regional Collection Center is necessary to properly process additional quantities of materials received from the expanded 19-county service area.
- Requested amount is within historical range of cost per household expectations.

Recommendation: fund full request

Brian Tormey briefed the Commission on the contract. He said that with this addition, the Regional Collection Center Network would now serve 59 counties. Waste Management's goal is 100% coverage

Motion was made by Terry Townsend to approve the contract as presented. Seconded by Gary Priebe. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT POINTER ENVIRONMENTAL - SAFE SCHOOLS STATEWIDE PROGRAM (AMENDMENT)

Wayne Gieselmann, Division Administrator for the Environmental Services Division presented the following item.

The Department of Natural Resources is requesting approval to amend an existing contract with Pointer Environmental Inc. This contract amendment is necessary to fulfill the Department's obligation to 56 Iowa schools for removal of high hazard chemicals by providing up to \$140,000 for disposal assistance.

Background

In June of 2001, DNR contracted with Pointer Environmental Inc. for \$100,000 to complete the following for at least 40 schools (66 schools actually served):

- ▶ Conduct an assessment of each school's science department to identify highly hazardous chemicals and controlled substances;
- ▶ Identify and label chemicals in unmarked containers;
- ▶ Manage and coordinate the disposal of highly hazardous chemicals and controlled substances by working with the Department of Public Health (DPH), the Drug Enforcement Administration (DEA), and the Office of the State Fire Marshal (OSFM);
- ▶ Conduct on-site inventory training for school personnel; and
- ▶ Offer specific recommendations for waste minimization, proper storage, and safe chemical management.

Progress

To date, 66 schools across Iowa have been assessed, resulting in the identification of more than 1,000 highly hazardous materials including potential impact explosives, radioactive materials, and DEA controlled substances. School-specific training was provided at all locations, noting concerns and improvements to existing hazardous chemical management practices and providing a hazardous chemical inventory and management software program as a means to eliminate future buildup of old and unwanted hazardous chemicals. All 66 participating schools attended required training by Dr. Jack Gerlovich, which included current laws and regulations, school liability, as well as proper purchasing, storage, inventory, and disposal options regarding hazardous chemicals.

Assessments and training were completed for all 66 participant schools by late November 2001. Coordination and scheduling for disposal began early this year. Several agencies offered their time and assistance for disposal of highly hazardous chemicals and controlled substances, including the Department of Public Health (DPH), Drug Enforcement Administration (DEA), and the Office of the State Fire Marshal (OSFM). The assessments completed by Pointer Environmental, Inc. resulted in the majority of chemicals (88%) being referred to the OSFM for disposal. On March 12, 2002, DNR received a letter from the OSFM, stating they would be unable to complete their role in this project due to budget constraints.

Current Situation

It is now necessary to use a hazardous waste contractor to fulfill the role the OSFM cannot complete. DNR has an obligation to the participating schools to complete the disposal of the highly hazardous chemicals identified during assessment. Pointer Environmental, Inc.'s contract requires them to manage and coordinate the disposal of the highly hazardous chemicals. Additional funding would allow Pointer to sub-contract with a hazardous waste disposal company. While this is ultimately more expensive than using the OSFM for disposal, it appears few other options are available. Calls made to other fire departments and bomb squads across Iowa indicated they were not receptive to participation in this program due to staff shortages.

Although allowing Pointer Environmental, Inc. to contract with a hazardous disposal company is more expensive, it has the benefit of being less time-consuming. From an environmental perspective, it is a better option than having the state fire marshal office handle the disposition of the high hazard chemicals. It is anticipated a hazardous waste contractor could complete the required disposal within one month's time, far shorter than the time frame the OSFM required (up to six months).

Cost

The additional funds added to Pointer Environmental, Inc.'s contract would not exceed \$140,000.

Brian Tormey briefed the Commission on the contract amendment. He said the Department of Natural Resources was notified in March that the Office of the State Fire Marshall would no longer be able handle the high hazard material because of budget considerations. This amendment allows Pointer to contract with a hazardous waste company to collect the materials identified as high hazardous material. He said the source of the money was the Solid Waste Alternative Program.

Director Vonk asked if there had been any discussion with the Fire Marshall's office to see if they would be willing to continue if the Department provided them with additional resources.

Valarie Drew said the Fire Marshall's office is facing a staff shortage and the Department did not have the expertise so providing them with additional money was not a solution.

Motion was made by Rita Venner to approve the contract amendment as presented. Seconded by Kelly Tobin. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT -- UNIVERSITY OF IOWA HYGIENIC LAB ENERGY AND WASTE MANAGEMENT BUREAU (AMENDMENT)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is requested to approve the attached amendment to the interagency agreement (02-7000-01) between the Department and the University of Iowa Hygienic Lab (UHL). The UHL agreement currently provides UHL support for a variety of department activities including water monitoring, laboratory services, data management and analysis, and website development and maintenance. This amendment provides ongoing professional services to the Energy and Waste Management Bureau at a cost of \$36,597 for the period July 1, 2002 through the expiration of the current contract on September 30, 2002. No general funds will be used for meeting this contract obligation.

This amendment provides the Energy and Waste Management Bureau with three full-time positions that will perform the following tasks:

- To provide administrative and technical expertise to the pollution prevention assistance and regulatory innovation programs. This individual will be responsible for duties including but not limited to: the drafting of technical articles for publication and distribution; the review and editing

of grant proposals; and, monitoring the environmental performance of businesses using the department's pollution prevention services and for developing case studies describing the environmental improvements attained by the participants.

- To review comprehensive solid waste plans and provide assistance to local governments and planning areas. This individual will be responsible for duties including but not limited to: reviewing comprehensive plans; developing, implementing and evaluating new programs and procedures; designing and maintaining databases; monitoring the waste reduction and landfill diversion performance of solid waste planning areas; and, compiling and analyzing plan submittal data for the purpose of determining planning areas' progress toward the state waste reduction goals.
- To perform general public information and public relations work for the agency. This individual will be responsible for duties including but not limited to researching, planning, drafting, and disseminating informational materials; developing public information projects; and, writing and editing special interest information for agency publications, reports, web pages, news releases, video tapes and audio tapes.

These services are currently being provided by Merit Resources Inc. Since the renewed contract between Merit Resources and the state now limits the provision of a specific individual's services to an 18-month period, it is in the department's long-term interests to transfer the three staff members currently performing these tasks to the UHL contract. The difference in cost over the three-month period addressed in this amendment is an increase of \$878. The existing contract total of \$346,526 will be increased by \$36,597.

It is anticipated that these services will be included in the next contract agreement due to be renewed on October 1, 2002. On an annual basis, the total cost for the provision of these services at the current level will be \$146,388. This represents an increase on an annual basis of \$3,513 when compared to the Merit Resources contract. This cost is easily offset by the avoidance of having to recruit and train qualified individuals every 18-months. The department is fortunate to have three quality individuals performing these functions at the present time and the change in contractors will ensure that these services will continue at the same high level of performance. Again, no general fund monies will be used to meet these obligations.

(A copy of the contract is available in the Department's Record Center.)

Brian Tormey briefed the Commission on the contract amendment.

Motion was made by James Braun to approve the contract amendment as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

**ADVANCED ENVIRONMENTAL TECHNOLOGY APPOINTMENT OF TEMPORARY
COMMISSIONERS (TABLED)**

Liz Christiansen, Deputy Director presented the following item.

The Department has received a request from the City of Middletown for the appointment of two temporary commissioners for review of the application for site license for a hazardous waste treatment facility operated by Advanced Environmental Technology. The proposed facility is to be located at the Iowa Army Ammunition Plant in Des Moines County. The request received from the city arrived March 18, past the February 4, 2002 deadline.

The commissioners will also receive an update regarding preparations for the hearing, scheduled at:

6:30 PM
Monday, June 17, 2002
Room 121
Southeastern Community College
1500 West Agency Road
West Burlington, Iowa.

Motion was made by Lori Glanzman to remove this item from the table. Seconded by James Braun. Motion carried unanimously.

REMOVED FROM THE TABLE

Jon Tack said there had been an issue raised at the last Commission meeting as to whether or not there may be a conflict of interest with regard the temporary Commissioners from Middletown. He said he sent a letter to the City of Middletown and asked them to consider the issue. The City of Middletown replied that they had the utmost confidence that their appointees could act with impartiality in making decision in regard to the application submitted by AET Inc.

Mike Valde said the temporary commissioners will serve as commissioners, the conflict of interest requires any commissioner to identify any potential conflicts and not participate in the vote.

Jon Tack briefed the Commission on what to expect for the hearing.

INFORMATION ONLY

Wayne Gieselman introduced Robin Pruisner who has been selected to implement HF2293. Robin has worked for a year in the Nutrient Management Program for the DNR, before that she worked for Agren Consultants in Carroll, Iowa and Iowa State University.

PRESENTATION BY STAFF WATER QUALITY STANDARDS

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Water Quality Bureau staff will give a brief presentation on the procedure used to develop water quality based effluent limits (WQBELs) for point source discharges such as municipal wastewater treatment plants. The proposed Chapter 61 final rule, Phase II Water Quality Standards, (Agenda Item 13) would adopt a new method of deriving WQBELs.

The presentation will provide background information on the need for WQBELs, how they are derived, and how the proposed new procedure compares to the existing procedure.

Jack Riessen said one of the issues before the Commission is the process the Department uses to derive water quality based effluent limits (WQBEL). This presentation will provide the Commissioners with some of the history and the background on this issue. In 1972 amendments were made to the Federal Water Pollution Control Act, which had the effect wiping the slate clean and starting over, this is known as the Clean Water Act. Prior to this point, State governments were allowed to regulate point sources as they saw fit. The Clean Water Act of 1972 states that point source discharges must meet technology based effluent limits as defined by EPA regulations. It also says that if the technology based effluent limits would result in a violation of the state water quality standards then more stringent standards known as the WQBEL must be imposed. The development of the WQBEL is what the Department refers to as the permit derivation procedure.

Iowa Statute provides the Department the authority to carry out the NPDES permit program. This is necessary as a condition of primacy and allows the Commission to establish effluent limits more restrictive than technology based effluent limits if they can demonstrate that it is necessary to meet water quality standards. However, that same statute prohibits the Commission from adopting technology based standards more restrictive than the Federal limits. In essence the Department would be required to demonstrate that more stringent limits than technology based are needed to meet water quality standards.

Four elements comprise the state water standards. Use Designation, which is what the water body is being used for or what it is capable of being used for with reasonable improvements; Narrative Standards, which are general statements of water quality; Numeric Standards are standards for such things as ammonia; and the antidegradation policy. Class A waters are primary contact/recreation waters, Class B waters are aquatic use waters, and Class C waters are used as a source for drinking water. Currently the Department has adopted numeric values for over 90 chemicals. In 1990 the Department did a comprehensive review of the water quality standards. At that time, they adopted a two-number standard indicating acute and chronic toxicity values. They also developed a permit derivation procedure for establishing water quality based limits.

The estimated cost for implementing these procedures, primarily for the ammonia standard, was \$600,000,000 so the Department adopted an alternative process. In 1998 the Department hired a consultant to evaluate the derivation procedure, their conclusion was that the 1990 procedure was not based on the current best science. In 1998 the Iowa Water Pollution Control Association (IWPCA) made a presentation to the Commission questioning the cost that would be involved to meet the various limits and the consensus at that time was that the Department needed to look at the permit derivation procedure as well as other water quality standards.

He reviewed the procedure the Department used to develop the derivation procedure. He said although the new procedure will result in higher limits for ammonia it would not be uniformly increased in all months and the facilities are not expected to discharge at the highest level available to them. There will be some areas of chronic or acute toxicity especially at low flow if the facility is discharging at permit limits however the EPA has stated that an occasional, limited duration exceedence of the water quality standard will not be detrimental to the aquatic life.

He said because the EPA is saying that by 2004, the State of Iowa will need to have in place or have a plan to implement numeric water quality standards for nitrogen and phosphorus, municipal wastewater

treatment plants may have to start looking at total removal of nitrogen and phosphorus from their effluent.

He said in response to Mr. Veysey's concern that the Department should not be looking just at the permit derivation procedure. He said in a protected flow stream such as the Skunk River in Ames the flow is zero, so the Department adopted a protected flow of 2 cubic feet per second (cfs). The Department does this because when there is no flow there is essentially no aquatic life to protect and because it gives the municipality less stringent permit limits.

INFORMATION ONLY

REFERRALS TO THE ATTORNEY GENERAL

Mike Murphy, Bureau Chief of Compliance and Enforcement presented the following item. The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

**Southern Waste Handling, Inc. [Mt. Ayr] and Iowa Select Farms, L.P. Clarke Sow 20
[Clarke County] animal feeding operation.**

Mike Murphy said the staff is requesting the referral of Iowa Select Farms and Southern Waste Handling to the Attorney General for violations relating to hog manure runoff, which caused a fish kill in Four-Mile Creek. In subsequent investigation it was learned that there were some problems with the manure management plan compliance. The owners of the property did not give their permission for Iowa Select to apply manure on their land. Mike Murphy said he handed out a letter earlier that day that had been received from counsel for Iowa Select Farms that raises some questions regarding their liability. It states because Iowa Select Farms hired an independent applicator to apply their manure and because it was the applicator's actions that caused the pollution, Iowa Select Farms could not be held liable. Mike Murphy said that this was one of the significant legal issues in this case that needed to be addressed. Iowa Select Farms has also asked that the EPC hearing of the referral be considered a contested case proceeding. Mike Murphy said this request has been made in the past and has historically been rejected by the Commission and by two district court decisions. The third request by Iowa Select Farms was that they be handled separately from action being taken against Southern Waste Hauling.

Mike Murphy said it was the Department's position that there are issues of contention between the two parties regarding the guidance given by Iowa Select Farms and other issues such as the permission to be on the property to begin with, because of this the Department believes that handling the cases separately would complicate the issues.

He said Iowa Select Farms indicated in their letter, that they felt certain members of the EPC may have a potential conflict of interest due to outside employment and/or activities, which may create a bias against Iowa Select Farms such that they could not in good faith fairly consider the arguments in this

referral. Mike Murphy advised the Commission that the statute requires Commissioners to disclose any potential conflict of interest, and if there is a conflict, not take part in the voting on the issue.

Mike Blaser

Mike Blaser, attorney for Iowa Select Farms said he would like to request a full evidentiary hearing on this matter and that Iowa Select Farms be considered separately from Southern Waste Hauling on this matter.

Rita Venner asked why Iowa Select Farms felt they should be considered separately from Southern Waste Hauling.

Mike Blaser said he did not believe that Southern Waste Hauling would have come before the Commission for referral except for the fact that Iowa Select Farms is involved. When there is a mistake made by a custom applicator, typically a first time offense would be handled administratively. He said he believes that Iowa Select Farms had no responsibility in this matter other than the fact that they own the pigs that generated the manure.

Motion was made by Terry Townsend to deny the request for a full evidentiary hearing. Seconded by Kelly Tobin. Motion carried unanimously.

REQUEST FOR EVIDENTIARY HEARING DENIED

Mike Blaser requested that Iowa Select Farms be considered separately from Southern Waste Handling.

Rita Venner asked if the landowner carried any responsibility in this case.

Mike Murphy said that it was one of the legal issues in this case because the landowners allege that they did not give permission as is required for the property to be used as part of a manure management plan.

Mike Blaser said the Iowa Legislature has said that violations of the manure management plan are to be handled through administrative penalty only, not through referral.

Mike Murphy said that the deficiency in the manure management plan is partly to blame for the discharge of manure.

James Braun asked if there had been any precedent set by earlier cases.

Mike Murphy said although the facts in each case can be very different, in another case involving Iowa Select Farms, in which a contractor broke a tile line causing a spill, the judge in the case found that anyone who generates this type of material could not contract away his or her liability. The Commission affirmed that decision.

Mike Blaser said he did not feel it was appropriate for the Commission to decide that this case needs to be referred as a test case. He said the criteria for deciding whether to refer a case to the Attorney

General are whether the entity realized any financial gain from this incident, the gravity of the situation, and culpability. He said the case against Iowa Select Farms does not fit any of the criteria for referral.

Eldon McAfee

Eldon McAfee, attorney for Southern Waste Handling said he had with him Gary Bustrom, principal owner of Southern Waste Handling. He said he would like to start out by saying that Gary Bustrom and Southern Waste Handling takes full responsibility for what happened. Due to family matter the crew that was doing the job was not Mr. Bustrom's most experienced crew and they failed to recognize what was happening during the application of the manure. Although Mr. Bustrom would do things differently if it ever happened again, he did what he thought was best at the time. The spill was reported to DNR though not through the hotline number as required. He said Mr. Bustrom reported the spill to Iowa Select Farms and on a voicemail to the DNR that evening. Mr. McAfee said that when Mr. Bustrom contacted him for representation, he contacted the DNR to attempt to handle the situation administratively, however, Randy Clark from the DNR informed him that the Department would not discuss any type of resolution because they were planning to refer the case to the Attorney General. He said for the record he would also like to make a request for an evidentiary hearing and he is asking that the two parties be separated in this case.

Gary Bustrom

Gary Bustrom, principal owner of Southern Waste Handling said the company has installed a dozer blade on a tractor that will be on site whenever manure is being applied. He said had this type of equipment been available to his men the last time the manure would have never made it to the creek.

James Braun asked Mr. Bustrom how long he had been in business.

Gary Bustrom said he had been connected with Southern Waste Handling for three years. He said Iowa Select Farms is their biggest client and without them he probably would not be farming today.

Rita Venner asked why he used an answering machine instead of the hotline.

Gary Bustrom said it had been the first time and he was unsure what to do. He said he had visited with a field person from Iowa Select and together they decided it was the right course of action to take.

Motion was made by Terry Townsend to deny the request for an evidentiary hearing. Seconded by Gary Priebe. Motion carried unanimously.

REQUEST FOR EVIDENTIARY HEARING DENIED

Drew Gentsch

Drew Gentsch, attorney for Robert and Linda Denton, owners of the property in question, distributed a handout to the Commission. He said the Dentons own a parcel of land that is 19.6 acres and of those 19.6, 13 are leased to the Kellys and 6.6 are contracted to CRP ground. On the day the spill occurred Southern Waste Handling spread a quantity of manure equal to approximately 9/10th of an inch of rain on the Denton parcel. They used a method called airway injection, which has been noted in some of the DNR material as not being a recognized method. The Iowa Code requires a written agreement from

the landowner be on file before spreading. He said in the handout he distributed earlier was a copy of a letter that the department received from Iowa Select, which states what they feel to be the law in this matter as well as a copy of an affidavit of Mr. Kelly, which was produced after the fact. The affidavit misstates the size of the parcel involved and states that there is a delegation of fertility decisions in the lease, which is not the case. Finally there is a copy of the permission slip allegedly signed by Mr. Kelly to spread manure on the parcel. On the permission slip the owners of the parcel are clearly identified, but there is no signature from the landowner and the signature of the tenant does not look anything like his signature on the lease. He showed a picture of the puddles that remained on the Denton property after two weeks after the incident. Another picture shows the damage done to the CRP property either during the spreading or during the containment of the spill. Mr. Gentsch said there was some question as to whether or not there had been an actual signed agreement on file to spread manure because his clients were asked to backdate a consent form after the fact.

Kari Cobler

Kari Cobler, staff person for Iowa Citizens for Community Improvement said she was there at the request of their Board of Directors, who have asked her to deliver a letter to the Commission. She read the letter, which requested that Iowa Select Farms be referred to the Attorney General for the September 29, 2001 manure spill and fish kill. Attached to the letter was a list of Iowa Select Farms violations, which number 15 since 1996. She said she had received a call that morning from the Mason City field office reporting the most recent violation for failure to meet separation distances between their manure lagoon and the nearest residence and failure to make changes in their permit as required by law.

Mike Murphy said the reason that the Department believes Iowa Select should be referred is the liability issue of the manure generator being responsible for water pollution and the question as to whether or not they violated manure management plan requirements, which calls into question whether they had a right to even be on the property. In addition to these issues there is Mr. Bustrom claiming that the reporting of the spill was done by mutual decision of Iowa Select Farms and himself. If the spill had been reported properly there might have been a chance to avoid some of the damages. He told the Commission that they needed to decide whether the two entities should be separated, and whether either of the entities needed to be referred to the Attorney General.

Lengthy Discussion followed regarding the issue of conflict of interest and the separation of the entities.

Motion was made by Lori Glanzman to go into closed session pursuant to Iowa Code section 21.5(1)c. Seconded by Rita Venner. The roll call vote is as follows: Gary Priebe Yes; Rita Venner Yes; James Braun Yes; Kelly Tobin Yes; Lori Glanzman Yes; Terry Townsend Yes; Kathryn Murphy-Yes. Lisa Davis Cook and Darrell Hanson were absent. Motion carried unanimously.

CLOSED SESSION

The Commission returned to open session at 3:50 p.m.

Motion was made by Terry Townsend to consider Iowa Select Farms and Southern Waste Handling together. No second. Motion failed

Motion was made by Lori Glanzman to consider Iowa Select Farms and Southern Waste Handling separately. Seconded by Kelly Tobin. Motion carried unanimously.

**IOWA SELECT FARMS AND SOUTHERN WASTE HANDLING WILL BE
CONSIDERED SEPARATELY.**

Motion was made by Terry Townsend to refer Iowa Select Farms to the Attorney General's office for their actions in the incident that occurred on September 29, 2001. Seconded by Rita Venner. Roll Call Vote was as follows: Rita Venner Yes; James Braun No; Kelly Tobin No; Lori Glanzman Yes; Gary Priebe No; Terry Townsend Yes; Kathryn Murphy Yes. Motion failed due to lack of majority.

IOWA SELECT NOT REFERRED

Motion was made by Rita Venner to request that the Department handle the violations of Southern Waste Handling, Inc. administratively. Seconded by Lori Glanzman. Roll call vote was as follows: James Braun Yes; Kelly Tobin Yes; Lori Glanzman Yes; Gary Priebe Yes; Rita Venner Yes; Terry Townsend No; Kathryn Murphy No. Motion carried.

SOUTHERN WASTE HANDLING NOT REFERRED

Robert Main (Water Quality Standards)

Robert Main, Water Pollution Control Superintendent in Newton, IA and past president of the Iowa Water Pollution Control Association (IWPCA) said the IWPCA is an organization of 650 members, their primary mission is the education and the dissemination of knowledge regarding water quality issues for all that are interested. The permit derivation proposal reflects the use of current science in establishing discharge limits and should not be viewed as going backwards. It provides the most cost-effective ways to utilize the limited resources of our cities and towns.

Wayne Gieselman introduced Barb Lynch, Acting Field Services Bureau Chief. She has worked at the Spencer Field Office for several years and will help the Department to make strides toward decentralization.

FINAL RULE CHAPTER 61, WATER QUALITY STANDARDS (PHASE II TRIENNIAL REVIEW)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

Commission approval is requested for the attached final rule adopting: (1) a new process for deriving water quality based effluent limits for point sources such as municipal wastewater treatment plants; (2)

numerical criteria for bromoform, chlorodibromomethane, chloroform, dichlorobromomethane, endrin, and chlorobenzene; and (3) Section 401 certification for Corps of Engineers' Section 404 nationwide and regional permits.

Six public hearings were held across the state in late January and early February 2002. Individual comments were received from over one hundred persons and organizations. A responsiveness summary has been prepared addressing the comments received and is attached. A majority of the comments received dealt with the permit derivation procedure. The other comments dealt with the Section 401 certification; no comments were received on the numerical criteria changes.

The only difference between the final rule as proposed and the Notice of Intended Action is the inclusion of additional language concerning Section 401 certification. As proposed, the final rule will incorporate the three regional conditions for certification of nationwide permits. These are not new conditions in that they have been imposed on previous certifications. It is felt that because of the general applicability of these conditions they constitute a rule as defined under the Iowa APA and should be listed in rules. In addition, the proposed final rule references a guidance document that lists waters of special concern. This guidance document will be used by the Corps to provide pre-construction notices for projects that would normally be covered under the terms of a NWP or regional permit.

(A copy of the Final Rule is available in the Department's Record Center.)

Wayne Gieselman said he regrets and apologizes for the misstatement in the responsiveness summary. He said he would like to make it clear that the Department recognizes that Elizabeth Horton Plaskett and Steve Veysey represent their particular organizations.

Jack Riessen briefed the commission on the history of the rulemaking. He said if the Commission does not approve this permit derivation procedure included in this rulemaking, the Department would use the new ammonia standards, which have already been adopted and would continue to issue permits under the old procedure. At the request of the Commission the Department could start over and try to develop a new procedure but it would push other issues that are being worked on back a year or more. The only way to maintain scientific credibility and meet the Iowa Code, which states that the Department cannot adopt technology based standards more stringent than those of Federal Regulations, they would have to look at the elimination of the use of protected flows and mixing zones.

James Braun said if the municipalities are going to have to look at removing the nutrients in the next few years, particularly phosphorus but also nitrogen, allowing the municipalities to discharge more would be a step backwards. There are water quality problems in the State of Iowa and if the Commission implements a system that will allow municipalities to dump more, they will be sending the wrong message to all of the other industries that use the waterways as a place to remove contaminants. This new system does not protect at times of low flow and he does not believe that the new standards will be used only in extreme cases. He said there is already a compromise in place by allowing mixing zones.

Motion was made by James Braun to ask the DNR to redo the rulemaking and to consider what is taking place during low flow and ways not to allow more discharge of nitrates. Seconded by Kelly Tobin.

Jack Riessen said although the new procedure will allow more ammonia it will not allow more total nutrient. He asked for clarification on the motion as to whether it was to not approve the entire rule or just the derivation process.

James Braun amended his motion to approve the rulemaking without the permit derivation procedure. Seconded by Kelly Tobin. The roll call vote was as follows: Kelly Tobin Yes; Lori Glanzman No; Gary Priebe No; Rita Venner No; James Braun Yes; Terry Townsend - No; Kathryn Murphy No. Motion failed.

Motion was made by Rita Venner to approve rulemaking as presented. Seconded by Gary Priebe. The roll call vote was as follows: Kelly Tobin Yes; Lori Glanzman Yes; Gary Priebe Yes; Rita Venner Yes; James Braun No; Terry Townsend yes; Kathryn Murphy Yes. Motion carried.

APPROVED AS PRESENTED

Kathryn Murphy said the Commission would like this issue brought back at a later meeting with additional information on the results of the new derivation process.

FINAL RULE - CHAPTER 44, DRINKING WATER REVOLVING FUND; CHAPTER 92, STATE REVOLVING FUND LOANS FOR WASTEWATER TREATMENT; CHAPTER 93, STATE REVOLVING FUNDS FOR ONSITE SYSTEMS

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to adopt amendments for the drinking water, wastewater, and onsite revolving loan programs. These same amendments were “double barreled” by the Commission in October 2001, that is, adopted emergency and simultaneously published as a Notice of Intended Action. A public hearing was held but no comments were received nor are any additional changes being proposed. Therefore, the amendments being proposed for final adoption are identical to those adopted emergency. The amendments being proposed:

- establish a uniform interest rate (3%) for loans, replacing the existing, complicated rate formula that depends on a number of factors including bond interest rates;
- provide more flexibility in loan repayment schedules (e.g., shorter term loans), address parity with other recipient obligations and specify revenue pledge coverage requirements;
- acknowledge that EPA clean water capitalization grants will be used to capitalize the Onsite Wastewater Assistance Fund established in Chapter 93; and
- eliminate the provision in Chapter 93 that says the Department will assume the risk for delinquent on-site SRF loans.

The changes to the drinking water and wastewater revolving loan programs, jointly administered with the Iowa Finance Authority, were proposed more or less concurrently with a financial restructuring of

the funds. The changes to Chapter 93 were proposed to eliminate a conflict with the Iowa Constitution. Informal advice from the Attorney General's office indicated that 567 IAC 93.5(1)"b" violates the constitutional provision of Article VII, Section 1, that prohibits the State from lending credit or assuming the debts or liabilities of another.

(A copy of the Final Rule is available in the Department's Record Center.)

Jack Riessen briefed the Commission on the Rulemaking. He said the Department received no comments during the public comment period.

Motion was made by Kelly Tobin to approve the rulemaking as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA WASTE REDUCTION CENTER IOWA EMISSION ASSISTANCE PROGRAM

Wayne Gieselmann, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the agreement between the Department and the Iowa Waste Reduction Center (IWRC). This agreement continues the Iowa Air Emission Assistance Program (IAEAP), which is the technical assistance component of the Small Business Assistance Program as required by Section 507 of the Clean Air Act (Act).

IAEAP assists small businesses with air permitting requirements, emission estimations, and determination of regulatory status and compliance requirements. They also provide small businesses with on-site visitations for compliance and pollution prevention assistance, and information concerning alternative technologies, process changes, procedures and methods of operation that help reduce air pollution.

The agreement is for the period of July 1, 2002 through June 30, 2003. The agreement is a variable cost based, allowing quarterly payments not to exceed \$373,450. This is an increase of \$5,450 from the prior year due to increased salary costs.

(A copy of the contract is available in the Department's Record Center.)

Jim McGraw briefed the Commission on the contract and said it was an ongoing agreement.

Motion was made by Kelly Tobin to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE CHAPTER 22, CONTROLLING POLLUTION (TITLE V INSIGNIFICANT ACTIVITIES RULE)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rulemaking is to clarify the Title V insignificant activities by condensing some of the sections and adding a general introduction to the rule. Secondly, this rulemaking adds more categories of insignificant activities to subrule 22.103(1). Finally, this rulemaking revises the insignificant emission levels found in subrule 22.103(2).

This rulemaking is the result of a cooperative process between the department and representatives of the Iowa Association of Business and Industry (ABI). Both the department and ABI are interested in reducing the regulatory burden on industry where the emissions of air contaminant sources are likely to have little impact.

An information meeting was held on January 24, 2004, and a public hearing was held on April 24, 2002, at the Air Quality Bureau in Urbandale. One written comment was received.

(A copy of the Final Rule is available in the Department's Record Center.)

Jim McGraw briefed the Commission on the rulemaking.

Motion was made by Terry Townsend to approve the rulemaking as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE - CHAPTER 22, CONTROLLING POLLUTION (AIR CONSTRUCTION PERMITTING)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve an amendment to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

This rulemaking makes minor changes to the first paragraph of the "Exemptions" subrule (22.1(2)) to clarify the obligations that otherwise exempt sources must consider when determining if the use of an exemption is appropriate. Emission units or control equipment that must be considered for the purposes of PSD (Prevention of Significant Deterioration), Nonattainment area permitting, New Source Performance Standards (NSPS), Emission Standards for Hazardous Air Pollutants and Hazardous Air Pollutant (NESHAP) source categories, and emissions guidelines (EGs) are not eligible for exemption from the construction permitting rules if any of these standards or conditions apply. These restrictions are established because of State Implementation Plan requirements or federal Clean Air Act requirements.

Paragraph 22.1(2)"i" is amended to clarify the intent of language referring to the federal Clean Air Act section 112(g). The department has always implemented this language to mean that if an emission equipment emits hazardous air pollutants, excepting those five listed, that exemption "i" can not be used.

The amendment adds a new paragraph 22.1(2)“t” establishing an exemption for containers, storage tanks or vessels containing fluid having a maximum true vapor pressure of less than 0.75 psia. This recognizes that fluids with low vapor pressures have low rates of emissions. Some emission units meeting this definition may fall under NSPS subpart Kb. The department will seek an amendment to the Delegation Agreement with EPA to exempt these sources from permitting under the State Implementation Plan.

Based on comments received from the EPA, the department requests that the Commission drop from this rulemaking the previously proposed amendment to add a new paragraph 22.1(2)“u.” This amendment would have established an exemption for passive vents or exhausts primarily intended to allow the escape of moisture while handling, transporting, or storing any material. The EPA contends that the intended function of a vent is irrelevant if it is a significant source of emissions. The department intends to reevaluate the wording of the proposed exemption and attempt to reach a consensus with EPA on revised wording before proceeding with a rulemaking related to this issue in the future.

At the request of the Iowa Association of Business and Industry (ABI), the department is requesting that the Commission drop from this rulemaking the previously proposed exemptions for “Small Units” (22.1(2)“v”) and “Indoor Sources” (22.1(2)“w”). ABI is requesting that these proposed exemptions be dropped so that additional time may be spent working with the department and the EPA in an effort to create exemptions that will meet the needs of ABI and allow the inclusion of the exemptions by EPA into the State Implementation Plan. The department remains committed to reducing the regulatory burden on industry where the actual emissions of air contaminant sources are likely to have little or no environmental or human health consequences.

An informational meeting on the amendment was held August 27, 2001, at DNR’s Air Quality Bureau offices. At the meeting DNR staff were available to answer questions on the proposed amendment. Representatives of business and the Air Quality Small Business Assistance programs (UNI and Dept. of Economic Development) were present.

A public hearing was held at 1:00 p.m. on November 26th, 2001, in conference rooms 3 & 4 at DNR’s Air Quality Bureau offices located at 7900 Hickman Road, Urbandale, Iowa. No oral comments were received. No written comments were received pertaining to the exemptions that are included in this request for adoption.

(A copy of the Final Rule is available in the Department’s Record Center.)

Jim McGraw briefed the Commission on the rulemaking. He said they would be coming back in the future with the three items dropped from this rulemaking due to comments received from EPA and the Association of Business and Industry.

Motion was made by Gary Priebe to approve the rulemaking as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION CHAPTER 22, CONTROLLING POLLUTION (DEFINITION OF STATIONARY SOURCE CATEGORIES)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rulemaking is to modify the definition of "stationary source category." The purpose of the proposed modification is to adopt a clarification to the federal regulations that was published on November 27, 2001. The change consists of deleting the requirement that owners/operators of sources count certain fugitive emissions of air pollutants not listed in the Clean Air Act as a toxic air pollutant when determining whether their facility is a major source subject to the Title V permit program. Fugitive emissions are considered emissions that can not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

A public hearing will be held on July 11, 2002 at 10:30 am in conference rooms 3 and 4 at the Air Quality Bureau offices in Urbandale. The comment period on these rules will close July 26, 2002. (A copy of the Notice of Intended Action is available in the Department's Record Center.)

Jim McGraw briefed the Commission on the rulemaking.

Motion was made by Lori Glanzman to approve the notice of intended action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

AIR QUALITY - TITLE V FEE SFY 2003 BUDGET

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is asked to approve the attached Title V Operating Permit budget establishing the annual Title V fee at \$29.00 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a \$3.60 per ton increase in the fee compared to the current fiscal year. The 14 percent fee increase is the result of a 12,500-ton decrease in actual emission and an elimination of the balance forward from prior years. The final budget reflects changes from the draft budget presented to the Commission in March in the following areas: decrease in actual tons of air emissions reported by facilities for CY 2001, an increase in personnel, an increase in indirect, a decrease in the University Hygienic Laboratory (UHL) contract, a decrease in the NOWCC contract, and an increase in Merit Resources. See the attached document for more details on changes from the draft budget presented in March.

Title V Budget Changes - Total Title V Fund expenditures are proposed to be increased from the current SFY 2002 budget levels by nearly \$228,000 in the SFY 2003 budget. Details on where changes to the budget are being proposed are listed line-by-line in the attached spreadsheet in the "Notes" column. The majority of the increased cost is associated with increased personnel cost and professional services staff costs.

Balance Forward Funds - The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. In SFY 2001 the Bureau eliminated the balance forward and had a slight negative balance forward. In SFY 2002 the Bureau projects a minus one percent balance forward.

Expenditures and Funding - The Air Quality Budget is divided into three primary areas: Air Quality Program, Air Title V Program, and PM2.5 Monitoring. Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources. See the attached table:

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program	7220	CAA 105 & GF
Air Quality field office base program	7419	CAA 105 & GF
Air Title V includes:		
Title V Information & Education	1556	TV Fees
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103

CAA 105 - Clean Air Act section 105 grant with a state match required

CAA 103 - Clean Air Act section 103 grant with no state match required

GF - Legislatively appropriated General Funds

TV Fees - Title V fees

Detail Description of Changes from Draft Title V Budget to Final Budget for SFY 2003

Item	Expenditure Category	SFY 2002 Budget	March EPC Budget	May EPC Budget SFY 2003
	Air Title V Program (7230)			
50	Personnel	2,181,478	2,367,478	2,392,965
64f	UHL Agreement	992,564	1,148,642	1,046,083
64k	Merit Resources	129,030	0	10,000
64l	NOWCC	72,792	86,759	79,000
72	Indirect	279,447	303,275	320,657
161	Total Expenditures	6,429,437	6,721,368	6,657,338
	Revenue			
160b	Title V Fees	6,057,900	6,603,500	6,554,000

Expenditures:

Personnel: Personnel cost increased due to staff reallocation from 7220 to 7230.

UHL Agreement: The March UHL contract was based on an estimated contract amount. The contract for UHL was recently negotiated and the result is an overall decrease.

Merit Resources: Temporary help is needed to help run an information campaign.

NOWCC: The NOWCC contract was recently negotiated and the result is an overall decrease.

Indirect charges: The department indirect charge will increase from 12.81% to 13.4%.

Revenue:

Title V Fees: The estimated fee presented to the commission in March was \$28.10 per ton of actual emissions. This fee was based on an estimate of 235,000 tons of actual emissions for calendar year 2001. The actual emissions turned out to be 226,000 tons. The decrease of 12,500 tons resulted in an increase in the fee to \$29.00 per ton.

Jim McGraw briefed the Commission on the Title V fee increase. He said they were also looking at a substantial increase in the next fiscal year budget over the previous year's budget primarily due to increased costs associated with personnel and professional services. .

Motion was made by Kelly Tobin to approve the budget as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED.

FINAL RULE - CHAPTER 65, ANIMAL FEEDING OPERATIONS (ADJACENCY CRITERIA DEFINITION FOR OPEN FEEDLOTS)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission is asked to approve final rule changes to include adjacency criteria definition for open feedlots. The proposed rule amendment states that two or more open feedlots, under common ownership or management, are adjacent if they are separated by less than 1,250 feet. This rule amendment would become effective as soon as adopted and filed.

A public hearing on this rule change was held on April 17th 2002 and written comments were allowed until that date. The Department received one written comment, as explained in the attached response. Two people attended the public hearing but did not present oral comments, however, they expressed their support to the proposed rule amendment.

Iowa Code 455B.161A defines adjacency criteria for confinement operations only and does not include open feedlots. The need for a rule definition on adjacency for open feedlots arose during the open feedlot registration program. The Iowa Cattlemen Association supports this proposed rule amendment.

The department is recommending that the Environmental Protection Commission (EPC) adopt the proposed rule amendment.

(A copy of the Final Rule is available in the Department's Record Center)

Wayne Gieselman briefed the commission on the rulemaking. He said the Department received no comments during the public comment period.

Gary Priebe said he is one hundred percent against this because he feels the Department got the feed lot owners to register and is now using that information require permits. He said he is ashamed to be a member of the Cattlemen's Association because he believes that they rolled over and played dead on this issue.

Motion was made by James Braun to approve the rulemaking as presented. Seconded by Terry Townsend. The roll call vote was as follows: Lori Glanzman Yes; Gary Priebe No; Rita Venner Yes; James Braun Yes; Kelly Tobin Yes; Terry Townsend Yes; Kathryn Murphy Yes.

APPROVED AS PRESENTED

REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)

Mike Murphy, Bureau Chief of the Compliance and Enforcement Bureau presented the following item. The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

b. Bee Rite Tire Disposal, Inc. [Rhodes and State Center] solid waste.

Mike Murphy said the Department is asking for referral to the Attorney General due to a number of issues will need to be addressed.

Motion was made by Terry Townsend to refer Bee Rite Tire Disposal, Inc. to the Attorney General. Seconded by Lori Glanzman. Motion carried unanimously.

REFERRED

PROPOSED CONTESTED CASE DECISION JOHN SAATHOFF

Mike Murphy, Bureau Chief of the Compliance and Enforcement Bureau presented the following item.

On November 13, 2000, the department issued Administrative Order No. 2000-AQ-73/200-SW-22 to John Saathoff. That action required him to comply with air quality requirements for asbestos, comply with solid waste disposal requirements, and to pay a \$500 penalty. That action was appealed, and the matter proceeded to administrative hearing on April 19, 2002. The Administrative Law Judge issued the attached Proposed Decision on May 6, 2002. The decision affirms the Order and penalty.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said this decision is still in the appeal period, but this is an opportunity for the Commission to review the case on their own motion.

AFFIRMED

NOTICE OF INTENDED ACTION, CHAPTER 133, RULES FOR DETERMINING CLEANUP ACTION AND RESPONSIBLE PARTIES (AMENDMENT)

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be requested to approve the attached Notice of Intended Action, to initiate the rulemaking process to adopt rules on the subject of natural resource damages claims. The Commission approved the substance of the Notice last month and directed that the specific schedule for hearings be brought back this month. In conjunction with similar rules being considered by the Natural Resource Commission, we are proposing to hold one, joint hearing at 15 locations, over the Iowa Communications Network [ICN]. Minor working changes were made to the Notice approved last month. Therefore the commission is requested to approve this Notice of Intended Action.

(A copy of the notice of intended action is available in the Department's Record Center)

Mike Murphy explained that although the Commission approved a notice of intended action last month, it was brought before the Natural Resource Commission on May 9th, and hearing dates have been set. There will be a joint hearing at 15 locations throughout the state via ICN Network on July 2, 2002. In addition to the meetings there were some minor wording changes therefore the Commission is being asked to approve an amendment to the previous notice of intended action.

Motion was made by Lori Glanzman to approve the amendment to the notice of intended action. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

PROPOSED RULES - CHAPTER 60 --- SCOPE OF TITLE DEFINITIONS FORMS RULES OF PRACTICE, CHAPTER 64 --- WASTEWATER CONSTRUCTION AND OPERATION PERMITS

Wayne Gieselman, Division Administrator for the Environmental Services Division presented the following item.

The Commission will be provided copies of proposed changes to the storm water permit program. The significant changes would, if adopted:

- Lower the threshold from five acres to one acre for construction site stormwater permits. Under existing rules, any construction activity that disturbs five acres or more are required to obtain a

stormwater permit and the permit requires development and implementation of a plan to control erosion. Under the proposed rule, any site disturbing one acre or more would have to obtain a permit unless they meet a waiver criterion.

- Remove the exemption for “small” (i.e., less than 100,000 population) municipalities. Under existing rules, only cities of 100,000 population or more have to obtain a permit for their municipal separate stormwater sewer systems (MS4s). The proposed changes would require MS4 permits for municipalities over 10,000 and for smaller municipalities that do not meet certain waiver criteria.

These changes are mandated by new federal regulations and failure to adopt provisions at least as stringent as the federal requirement could result in loss of primacy for the entire NPDES program. Other changes include adopting forms and deleting the expired “money back guarantee” rule.

(A copy of the proposed rule is available in the Department’s Record Center)

Jack Riessen said the Department would be bringing this to the Commission next month for the formal notice of intended action. This rule will implement Phase 2 of the Storm Water Program, which is carried out under the NPDES permit program. It will change the requirement from the disturbance of 5 acres down to 1 acre for obtaining a storm water permit. It will continue to be handled under the general permit process, which is very quick and efficient. Second will be a requirement that site that has a Standard Industrial Crew (SIC) will be required to have a storm water permit. At this time only the cities with a population over 100,000 are required to have an individual MS4 permit, this rule will remove the 100,000 threshold.

INFORMATION ONLY

MONTHLY REPORTS

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Cmmsn	Notice Published	ARC#	Rule Rvw Cmmittee	Hearing	Comment Period	Final Smry to Cmsn	Rules Adopted	Rules Published	A R C #	Rules Rvw Cmmittee	Rule Effective
1. Ch. 22 Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	11/26/01	11/30/01	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
2. Ch. 22 Title V Insignificant Activities	2/18/02	3/20/02	1475B	4/08/02	*5/02/02	*5/02/02	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
3. Ch. 22 Definition of Stationary Source Categories	5/20/02	*6/12/02		*7/09/02			*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
4. Ch. 38 Private Water Well Construction Permits	4/15/02	*5/15/02		*6/04/02	6/4-6, 13/02	6/07/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
5. Ch. 44, 92 & 93 State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	1122B	12/11/01	12/04/01	12/04/01	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
6. Ch. 60												

Wastewater Treatment & Disposal	5/21/01	11/14/01	1124B	12/11/01	12/04/01	12/04/01	3/18/02	3/18/02	4/17/02	1535B	5/15/02	*5/22/02
7. Ch. 61 WQ Standards Section 404 Permits	12/17/01	1/09/02	1245B	2/04/02	1/29/02 1/30/02 2/1/02 2/04/02 2/05/02 2/06/02	2/18/02	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
8. Ch. 61 WQ Assessment Qualified Volunteers	12/17/01	2/06/02	1351B	3/08/02	2/27/02 3/01/02 3/07/02	3/07/02	*6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
9. Ch. 64 Wastewater Construction Operation Permits	4/15/02	5/15/02		*6/04/02	*6/04/02	*6/04/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
10. Ch. 65 Proposed Fee Increase for Certified Manure Applicators	1/22/02	2/20/02	1384B	3/08/02	3/20/02	3/12/02	4/15/02	4/15/02	5/15/02		*6/04/02	*6/19/02
11. Ch. 65 Definition of Adjacency for Open Feedlots	2/18/02	3/20/02	1476B	4/08/02	4/17/02	4/17/02	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
12. Ch. 82 Well Contractor Certification	4/15/02	5/15/02		*6/04/02	6/4/6, 13/02	6/07/02	*7/15/02	*7/15/02	*8/07/02		*9/03/02	*9/11/02
13. Ch. 104, 106 Recycling Operations	2/18/02	3/20/02	1477B	4/08/02	4/09/02	4/10/02	5/20/02	*5/20/02	*6/12/02		*7/09/02	*7/17/02
14. Ch. 105 Organic Materials Composting Facilities	1/22/02	2/20/02	1387B	3/08/02	3/14/02	3/14/02	4/15/02	4/15/02	5/15/02		*6/04/02	*6/19/02
15. Ch. 107 Beverage Container Deposits	12/17/01	1/09/02	1246B	2/08/02	1/29/02	1/29/02	3/18/02	3/18/02	4/17/02	1538B	5/15/02	5/14/02
16. Ch. 109 Special Waste Authorizations	11/19/01	12/12/01	1190B	1/08/02	1/03/02	1/04/02	3/18/02	3/18/02	4/17/02	1537B	5/15/02	*5/22/02
17. Ch. 111 Financial Assurance Requirements for Municipal SW Landfills	12/17/01	1/09/02	1263B	2/04/02	2/12/02	2/12/02	*6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
18. Ch. 117, Ch. 219 Waste Tire Management	1/22/02	2/20/02	1386B	3/08/02	3/12/02	3/12/02	4/15/02	4/15/02	5/15/02		*6/04/02	*6/19/02
19. Ch. 118 Discarded Appliance Demanufacturing	3/18/02	4/17/02	1540B	5/15/02	5/14/02	5/14/02	*6/17/02	*6/17/02	*7/10/02		*8/06/02	*8/14/02
20. Ch. 133 Rules for Determining Clean-Up Actions & Responsible Parties	5/20/02	*6/12/02		*7/09/02			*8/19/02	*8/19/02	*9/18/02		*10/08/02	*10/23/02
21. Ch. 136 Financial Responsibility for USTs	12/17/01	1/09/02	1262B	2/08/02	1/29/02	2/01/02	3/18/02	3/18/02	4/17/02	1539A	5/15/02	5/14/02

Monthly Variance Report

April, 2002

Item No.	Facility	Program	Engineer	Subject	Decision
1	Equistar Chemicals, LP-Clinton	Air Quality		Permit Requirements	Approved
2	IBP, Inc.-Storm Lake	Air Quality		Permit Requirements	Approved
3	Osceola Foods, Inc.-Osceola	Air Quality		Permit Requirements	Approved
4	Salsbury Chemicals, Inc.-Charles City	Air Quality		Permit Requirements	Approved
5	The University of Iowa Power Plant-Iowa City	Air Quality		Permit Requirements	Denied

6	Diehl Mobile Home Park-Clarke County	Wastewater Construction	Gjersvik Associates, Inc.	& Lagoon Rip Rap	Approved
7	Diehl Mobile Home Park-Clarke County	Wastewater Construction	Gjersvik Associates, Inc.	& Pond Influent Piping	Approved
8	Diehl Mobile Home Park-Clarke County	Wastewater Construction	Gjersvik Associates, Inc.	& Geotechnical Survey	Denied
9	Evansdale, City of	Wastewater Construction	Shive-Hattery Engineers	Sludge Lagoon-Aeration	Approved
10	Exira, City of	Wastewater Construction	JEO & Associates, Inc.	Organic Loading-Lagoons	Approved
11	Malvern, City of	Wastewater Construction	Olmsted & Perry Consulting Engineers, Inc.	Detention Time-Lagoons	Approved
12	Masonville, City of	Wastewater Construction	TeKippe Engineering Co.	Number of Lagoon Cells	Approved
13	Newton, City of	Wastewater Construction	Veenstra & Kimm, Inc.	Bar Racks and Screens	Approved
14	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Minimum Sewer Size	Approved
15	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Pond Influent Piping	Approved
16	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Number of Lagoon Cells	Approved
17	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Influent Line Termination	Approved
18	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Inter-Cell Control Structure	Approved
19	Riverton, City of	Wastewater Construction	JEO & Associates, Inc.	Manhole Location	Approved
20	Legacy Golf Associates-Ames	Flood Plain	Fox Engineering	Freeboard	Approved
21	Quad City Coating, Inc.-Eldridge	Wastewater Operation		Monitoring Frequency	Approved
22	Audubon, City of	Watersupply Construction	JEO Consulting Group, Inc.	Installation Procedures	Approved

During the period April 1, 2002, through April 30, 2002, 155 reports of hazardous conditions were forwarded to the central

office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	72 (58)	8 (4)	49 (40)	15 (14)	28 (19)	33 (32)	2 (0)	1 (4)	0 (1)	8 (2)
December	57 (44)	2 (0)	44 (28)	11 (16)	22 (10)	28 (31)	2 (0)	0 (1)	2 (0)	3 (2)
January	81 (55)	4 (7)	59 (36)	18 (12)	21 (13)	53 (33)	0 (0)	3 (0)	0 (0)	4 (9)
February	62 (58)	4 (0)	44 (43)	14 (15)	20 (14)	37 (36)	1 (0)	2 (4)	1 (1)	1 (3)
March	93 (80)	8 (3)	68 (55)	17 (22)	27 (21)	57 (48)	1 (1)	1 (2)	3 (2)	4 (6)
April	155 (126)	47 (32)	83 (71)	24 (23)	45 (35)	98 (78)	2 (3)	1 (4)	5 (1)	4 (5)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	593 (481)	82 (49)	398 (315)	112 (116)	191 (134)	342 (290)	10 (4)	8 (16)	13 (6)	29 (31)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
32	16	26	19	45	17

*The "other" column includes the categories from the database of – Dumping, Fire, Theft, Vandalism, Unknown, and other”.

During the period April 1, 2002, through April 30, 2002, 6 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)
November	9 (3)	1 (0)	2 (2)	2 (1)	3 (0)	7 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	3 (2)	0 (0)	2 (1)	0 (1)	1 (0)	2 (2)	0 (0)	1 (0)	0 (0)	1 (0)
January	1 (1)	0 (0)	1 (1)	0 (0)	0 (0)	1 (1)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (4)	0 (0)	0 (4)	0 (0)	0 (0)	0 (4)	0 (0)	0 (0)	0 (0)	0 (2)
March	3 (2)	0 (0)	1 (1)	1 (1)	1 (0)	2 (1)	1 (1)	0 (0)	0 (0)	1 (0)
April	6 (6)	0 (0)	4 (3)	1 (0)	1 (3)	6 (5)	0 (1)	0 (0)	0 (0)	3 (0)

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May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	26 (23)	1 (0)	12 (14)	6 (5)	0 (0)	21 (20)	2 (3)	2 (0)	0 (0)	8 (4)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
2	0	3	1	0	0

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Bagley, City of (4)	Wastewater	Compliance Schedule	Order	4/2/02
M.A., Inc.; Westside Park for Mobile Homes, Lee Co. (6)	Wastewater	Monitoring/Reporting; Certified Operator; Prohibited Discharge	Order/Penalty \$10,000	4/2/02
M.A., Inc.; Spring Grove Mobile Home Park, Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Certified Operator; Prohibited Discharge	Order/Penalty \$10,000	4/2/02
Dennis Kruger, Hancock Co. (2)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$500	4/3/02
Missouri Valley, City of (4)	Wastewater	Compliance Schedule	Order	4/3/02
Maysville, City of (6)	Drinking Water	Monitoring/Reporting – Lead & Copper; Operational monitoring; CCR; Certified Operator	Order/Penalty \$700	4/3/02
Iowa Turkey Growers Cooperative d/b/a Sigourney Foods, Sigourney (6)	Wastewater	Prohibited Discharge; Operational Violations; Water Quality Violations – General Criteria	Order/Penalty \$3,000	4/3/02
North Central FS, Inc., Clarion (2)	Wastewater; Hazardous Condition	Prohibited Discharge; Natural Resources Damage Claim	Order/Penalty \$5,000	4/3/02
John C. Kelso, Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$1,500	4/4/02
Mid-States Asbestos Removal, Sioux City (3)	Air Quality	Asbestos	Order/Penalty \$4,000	4/4/02
Paul L. Nagle, Clear Lake (2)	Air Quality	Asbestos	Order/Penalty \$4,600	4/4/02
Richard Davis, Monroe Co., Blakesburg (5) (6)	Air Quality	Asbestos; Open Burning; Illegal Disposal	Order/Penalty \$8,000	4/4/02

Robinson Brothers Environmental, Inc., Centerville (5)	Air Quality	Asbestos	Order/Penalty \$4,000	4/4/02
Wellington Environmental, Davenport (1)	Air Quality	Asbestos	Order/Penalty \$4,000	4/4/02
Farmers Cooperative Co., Farnhamville (4)	Air Quality	Fugitive Dust	Consent Amendment	4/4/02
Minden, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Order/Penalty \$3,000	4/8/02
Jones County Conservation Board; Central Park Jones Co. (1)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria; Public Notice	Order/Penalty \$250	4/8/02
Davis City, City of (5)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	4/8/02
Adair, City of (4)	Wastewater	Compliance Schedule; Discharge Limits	Amended Order	4/8/02
Swine Graphics Enterprises, ADL V Sow Farm, Clarke Co. (5)	Animal Feeding Operation	Construction Without permit	Order/Penalty \$1,000	4/9/02
Swine Graphics Enterprises, ADL III Hog Farm, Clarke Co. (5)	Animal Feeding Operation	Construction Contrary to Permit; Freeboard	Order/Penalty \$3,000	4/9/02
Avery Feeder Pig Co., Humboldt (2)	Animal Feeding Operation	Freeboard	Order/Penalty \$3,000	4/9/02
Amos Zimmerman d/b/a Cantril Feed and Grain, Cantril (6)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$3,000	4/10/02
Dennis Frederickson; Mark Frederickson, Cass Co. (4)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty \$5,000	4/10/02
Midwest Farmer's Cooperative, Sheldon (3)	Wastewater; Hazardous Condition	Prohibited Discharge; Natural Resources Damage Claim	Consent Order; Claim for Damages	4/12/02
Rome Pork, LLC; William Huber, Jefferson Co. (6)	Animal Feeding Operation	Construction Without Permit	Consent Order \$2,000	4/12/02
Uthe Development Co. LLC, Ames (5)	Wastewater	Pollution Prevention Plan Violations	Order/Penalty \$10,000	4/12/02
Waterford Townhomes Association, Inc.; Waterford Development LC, Des Moines (5)	Wastewater	Pollution Prevention Plan Violations	Order/Penalty \$6,000	4/12/02
Goebel Pumping Service, LC, Masonville (1)	Animal Feeding Operation	Uncertified Operator; Failure to Report a Release; Record Keeping	Order/Penalty \$2,000	4/12/02
Piper Motor Company, Inc.; Bruce Piper d/b/a Super	Wastewater	Monitoring Reporting	Order/Penalty \$10,000;	4/17/02

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Clean Car Wash Bloomfield (6)				Notice of Intent to Deny Permit Renewal	
Ag Max Partners, L.C., Hancock Co. (2)	Animal Feeding Operation	Prohibited Discharge – Confinement; WQ Violations – General Criteria	Order/Penalty \$3,000	4/18/02	
John Jolin and Michael Kolbold, Sioux City (3)	Underground Tank	UST Closure	Order/Penalty \$5,760	4/18/02	
J.D. and Sue Wollrab; Linn Hollow Mobile Home Park, Washington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Certified Operator	Order/Penalty \$2,000	4/19/02	
Arthur, City of (3)	Wastewater	Monitoring/Reporting; Compliance Schedule; Certified Operator	Order/Penalty \$2,000	4/19/02	
Ellis Implement, Inc.; Douglas Shaffer, Coggon (1)	Underground Tank	UST Closure	Order/Penalty \$2,170	4/18/02	
James G. Wilson; Retha Wilson; William Wilson, Shenandoah (4)	Underground Tank	UST Closure	Order/Penalty \$4,740	4/18/02	
GMNW Investments, LLC, Riverton (4)	Wastewater	Pollution Prevention Plan Violations	Consent Amendment	4/22/02	
St. John's Lutheran Church, Greene (2)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; MCL – Bacteria	Order/Penalty \$250	4/23/02	
Ionia Pigs, Inc., Chickasaw Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty \$3,000	4/22/02	
Winding Creek Coop; Baatz Farm Industries, Inc., Lyon Co. (3)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$2,000	4/22/02	
Sid's Gas & Groceries, Forest City (5)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice	Order/Penalty \$200	4/22/02	
Rancho Valley Homeowners Assoc., Inc., Montpelier (6)	Drinking Water	Construction Without Permit	Order/Penalty \$500	4/22/02	
Plano, City of (5)	Wastewater	Compliance Schedule	Amended Order	4/22/02	
Lamoni, City of (5)	Wastewater	Compliance Schedule	Consent Amendment	4/22/02	
Coin, City of (4)	Drinking Water	Certified Operator	Order/Penalty \$250	4/22/02	
Lemar Koethe, Dallas Co. (5)	Solid Waste; Air Quality	Illegal Disposal; Open Burning	Order/Penalty \$6,000	4/22/02	
Timberline Golf Course, Peosta (1)	Drinking Water	Construction Without Permit; Monitoring/Reporting – Bacteria; Permit Renewal Fees; Public Notice	Order/Penalty \$1,000	4/22/02	

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	1,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Hansel (Hamilton Co.)	AFO	1,300	1-26-02
Crestview Trailer Park (Ames)	WS	2,500	1-28-02
Jolly Roger Recreation and Marine, Inc. (North Liberty)	WW	2,000	2-05-02
Coralville, City of	WW	3,000	2-11-02
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	2-14-02
Hale Tap (Olin)	WS	200	2-15-02
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
PM Beef Group, LLC (Hartley) SEP	WW	3,530	3-24-02

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Days Inn 2 nd Addition (Williamsburg)	WS	10,000	4-07-02
* Steve Friesth (Webster Co.)	AQ/SW	450	4-15-02
* Advance Millwork, Inc. (North Liberty)	AQ	1,500	5-15-02
* Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	1,000	4-15-02
* Kiefer Built, Inc. (Kanawha)	AQ	7,500	4-30-02
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	5-03-02
Goldsmith and Son, Inc.; Goldsmith Trucking (Sgt. Bluff)	AQ	6,000	4-26-02
Patrick M. Pinney Contractors, Inc. (Sioux City)	AQ	2,100	4-23-02
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Moonshine Tap (New Hampton)	WS	300	4-30-02
Bubba's Bar & Grill (Cresco)	WS	175	4-30-02
Iowa Skate U (Iowa Falls)	WS	600	5-11-02
Richard and Charlotte Caves (Oskaloosa)	HC	10,000	5-03-02
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	200	5-15-02
Lisa Collins d/b/a Collins Quality Cleaners (Ft. Madison)	AQ	1,000	5-17-02
GMNW Investments, L.L.C. (Hamburg)	WW	3,750	5-21-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
# J.C. Trucking, Inc.; John C. Niebuhr (Blairstown)	AFO	750	5-27-02
Vessel Systems, Inc. (Dubuque)	AQ	10,000	5-31-02
# Kris King (Audubon)	AFO	500	6-02-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	10,000	6-04-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	10,000	6-04-02
Iowa Turkey Growers Cooperative d/b/a Sigourney Foods	WW	3,000	6-08-02
Wellington Environmental (Davenport)	AQ	4,000	6-09-02
# Dennis Kruger (Hancock Co.)	AFO	500	6-09-02
Maysville, City of	WS	700	6-09-02
Jones Co. Conservation Board; Central Park	WS	250	6-11-02
Minden, City of	WW	3,000	6-11-02
# Avery Feeder Pig Co. (Humboldt Co.)	AFO	3,000	6-11-02
# Swine Graphic Enterprises; ADL V Sow Farm (Clarke Co.)	AFO	1,000	6-11-02
# Swine Graphic Enterprises; ADL III Hog Farm (Clarke Co.)	AFO	3,000	6-11-02
North Central FS, Inc. (Clarion)	WW/HC	5,000	6-14-02
Amos Zimmerman; Cantril Feed and Grain (Cantril)	AQ/SW	3,000	6-15-02
# Goebel Pumping Service, L.C. (Masonville)	AFO	2,000	6-19-02
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-02
* Quality Mat Co., Inc. (Waterloo)	AQ	5,696	12-01-02
Midwest Farmers Coop (Sheldon) Natural Resources Damages	WW	75,000	6-30-03
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Alva Parker (Ringgold and Union Co.)	AQ/SW	10,000	----
Fisher Controls International, Inc. (Marshalltown)	AQ	4,000	----
Emer Carlson (Fairfield)	AQ	6,500	----
Dave Paplow (Indianola)	AQ/SW	5,000	----
Mobile World, L.C. (Camanche)	WW	2,000	----
Richard Davis (Monroe Co.)	AQ	8,000	----
Paul L. Nagle (Clear Lake)	AQ	4,600	----
Mid-States Asbestos Removal, Inc. (Sioux City)	AQ	4,000	----
# John C. Kelso (Worth Co.)	AFO	1,500	----
# Rome Pork, L.L.C.; William Huber (Jefferson Co.)	AFO	2,000	----
Uthe Development Company, L.L.C. (Ames)	WW	10,000	----
Waterford Townhome Assn.; Waterford Develop. (Des Moines)	WW	6,000	----
Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	10,000	----
# Ag Max Partners, L.C. (Hancock Co.)	AFO	3,000	----

James Wilson; Retha Wilson; William Wilson (Shenandoah)	UT	4,740	-----
Ellis Implement, Inc.; Douglas Shaffer (Coggon)	UT	2,170	-----
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	-----
Linn Hollow MHP; J.D. and Sue Wollrab (Washington)	WW	2,000	-----
Arthur, City of	WW	2,000	-----
St. John's Lutheran Church (Greene)	WS	250	-----
Timberline Golf Course (Peosta)	WS	1,000	-----
Coin, City of	WS	250	-----
Sid's Gas & Groceries (Forest City)	WS	200	-----
Rancho Valley Homeowners Assn. (Montpelier)	WS	500	-----
Lemar Koethe (Dallas Co.)	AQ/SW	6,000	-----
# Winding Creek Coop; Baatz Farm Industries (Lyon Co.)	AFO	2,000	-----
# Ionia Pigs, Inc. (Chickasaw Co.)	AFO	3,000	-----
TOTAL		519,031	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00

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Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
West Liberty, City of	WW	5,000	
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
TOTAL		186,994	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Dayton, City of	WW	10,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
Minsa Corporation (Red Oak)	WW	10,000
New Virginia Sanitary District (New Virginia)	WW	5,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000

Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Carter Lake, City of	SW	2,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Onawa Country Club (Onawa)	WS	1,500
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
Clearfield, City of	WW	3,500
Clearfield Community School District (Clearfield)	WW	1,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000
Altoona, City of	WW	10,000
Joe & Mary Schuster d/b/a Better-Flo (Callendar)	AQ/SW	1,000
Keith Shoterau; Hopp Construction Co. (Shelby Co.)	WW	5,000
Heartland Express, Inc. of Iowa (Coralville)	UT	5,390
Roger Eblen; Eblen Develop.; Duane Menke; Negus-Sons (Whispering Woods – Council Bluffs)	WW	10,000
Artistic Manufacturing Corp. (Altoona)	WW	2,000
Warren Frozen Foods (Altoona)	WW	10,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
George Redman (Mitchellville)	AQ	6,000
John Cox (Pottawattamie Co.)	AQ/SW	3,000
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	4,000
Montgomery County Landfill Association (Red Oak)	SW	5,000
Art's Way Manufacturing Co. (Armstrong)	AQ	5,000
Adrian Skoda; Bowlaway Lanes (New Hampton)	WS	500
Sapp Bros. Truck Stops, Inc. (Percival)	WS	10,000
Brett George d/b/a Cedar Valley Tree Service; John Sohm	AQ/SW	7,000

Allerton, City of	WW	7,000
Mike Messerschmidt (Martinsburg)	AQ/SW	500
Asbestos Handlers, Inc. (Dubuque)	AQ	4,600
Well's Dairy, Inc. (LeMars)	WW	10,000
William Habhab (Fort Dodge)	SW	1,500
Big Rock Country Club (Fayette Co.)	WS	1,500
Robinson Brothers Environmental, Inc. (Centerville)	AQ	4,000
# Lawrence Handlos (Audubon Co.)	AFO	3,000
Dennis Frederickson; Mark Frederickson (Cass Co.)	AQ/SW	5,000
TOTAL		440,260

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Basic Industries, Inc. (Clinton)	AQ	4,100
# Kollasch Land & Livestock, Inc. (Keokuk Co.)	AFO	500
* Bob Luke (Washington Co.)	AQ/SW/WW	100
# Rome Pork L.L.C.; William Huber (Jefferson Co.)	AFO	2,000
NZMP (USA), Inc. (Allerton)	WW	7,000
LT Tap (Waucoma)	WS	250
Bill's, Inc.; William A. Brown (Council Bluffs)	UT	1,500
R.V. Hopkins, Inc. (Davenport) INTEREST	AQ	500
##Dave Kabela; Frank & Darlene Kabela PAID IN FULL	AFO	500
Holtze Construction Co. (Sioux City)	AQ	2,100
* James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	100
* Bob Luke (Washington Co.) PAID IN FULL	AQ/SW/WW	800
* Advance Millwork, Inc. (North Liberty)	AQ	500
TOTAL		20,250

The \$3,000 penalty assessed to Leland DeWitt (Louisa Co.) has been waived.

The \$670 penalty assessed to Max Dahlhauser (West Bend) has been waived.

The \$3,500 penalty assessed to James Clark (Logan) has been waived.

The following SEP payments have been made:

Shewry L.P.; Don Shewry (Davenport) to "Living Land & Water" for conservation efforts in Scott County	WW	4,000
Bil Mar Foods of Iowa (Storm Lake) to Ducks Unlimited to be used by Buena Vista County for conservation project.	WW/HC	5,000
Salsbury Chemicals, Inc. (Charles City) to Floyd County Conservation Board	WW	2,000

Midwest Farmers Cooperative, Sheldon, has agreed to do a variety of SEP projects over the next two years at a cost of \$30,000.

Affordable Asbestos Removal, Inc.;
Jeffrey Intelkofer
Iowa City (6)

UPDATED

Air Quality

Asbestos

Referred to
Attorney General

Referred
Petition Filed
Motion for Partial Summary Judgment
Ruling Denying Motion
Trial Date

3/20/00
4/19/00
2/26/01
4/20/01
12/09/02

Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bauer, Michael Davenport (6)	Underground Tank	Site Assessment	Order/Penalty	Referred	2/18/02
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5) UPDATED	Wastewater	Discharge Limits	Order	Referred MHP Closed; Referral Closed Per DNR	2/19/01 5/03/02
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial Judgment (\$95,000/Civil-Injunction) Appealed to Supreme Court	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01 11/19/01 1/09/02
Iowa Select Farms, L.P. Clarke Sow #20 Clarke Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement	Referred to Attorney General	Referred	2/18/02
Larson, Daryl Jones Co. (1) UPDATED	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability Ruling (\$80,806.61 Clean-up Costs to State)	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 12/19/01 3/29/02
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Matrix Metal, LLC d/b/a Keokuk Steel Castings Keokuk (6)	Air Quality	Emission Limits	Referred to Attorney General	Referred	1/22/02
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred Petition Filed	2/19/01 3/20/02

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Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Severson, Dennis d/b/a Huxley Dry Cleaners Huxley (5)	Air Quality	Operational Violations	Order/Penalty	Referred	3/18/02
Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred Criminal Charges Filed Petition Filed	8/20/01 2/07/02 2/07/02
Thomas, Donald L. and Barbara S.Linn Co.	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review Answer	9/21/01 10/29/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred Petition Filed	7/16/01 1/30/02
Williams Pipeline Company LLC Waterloo/Dubuque /Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01
Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria	Order/Penalty	Referred Petition Filed	4/16/01 9/17/01
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997, 8606993, 8606996 Clinton (6)	Underground Tank	UST Closure; Site Check	Order/Penalty	Referred	1/22/02
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Denying Defendant's Motion to Dismiss Contempt Order Trial Date	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/20/01 2/12/02 6/11/02

11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
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7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Referred for consent order 2/4/02. Proposed consent order sent to ADM 5/3/02.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wormson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up underway, to be completed by 5/28/02.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	7/01 – City referred for Admin. Order for wastewater violations. 3/29/02 – Dept. engineer reviewing information submitted by City. Status report requested.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	1/31/02 – Dept. letter to company regarding resolution of appeal. 2/7/02 – Call from company attorney regarding letter. 3/29/02 – Dept. follow-up letter regarding prior letter.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	1/30/02 Update from Permits engineer further site needs to be approved, more information needed from Company's engineer. 2/27/02 Dept. letter regarding resolution of appeal. 4/02 Letter received from company attorney regarding penalty due.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation system operational as of 11/01. Compliance with administrative order achieved. Remediation to continue indefinitely. Case closed.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	2/1/02 – Penalty settlement status request to appellant.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	1/30/02 Permits staff drafted letter to Company with NPDES permit to be put on public notice. Once permit is final, appeal is resolved. 2/13/02 WW permits sent draft permit to Grand Labs to be put on public notice. 4/8/02 Final NPDES permit issued with letter closing appeal. Case closed.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Meeting set for 5/8/02.
10/06/98	M & W Pallett Co.	6	Order Admin.	SW	Tack	Satisfactory compliance has been achieved. Case closed.
10/12/98	AG Processing (Sergeant Bluff)	3	Permit Exemption Denial	AQ	Preziosi	Meeting set for 5/8/02.
10/08/98	West Liberty, City of	6	Admin.	WW	Hansen	6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 –

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			Order/Penalty			Referral to AG office by EPC. 1/30/02 – District court petition filed by AG's office.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 Preliminary engineering report approved 3/01. NPDES permit issued 3/28/02 with compliance schedule. Will monitor for compliance.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	2/19/02 – Option letter sent to Appellant's attorney; withdraw appeal by 3/19/02 or case will be sent to DIA.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	2/14/02 Amended order. New facilities to be completed this year.
3/16/99	Des Moines Independent School District North High School	5	Site Registry	HC	Tack	4/29/02 Appeal withdrawn. Case closed.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Supreme Court denied motion; ALJ will now rule on the remanded portion of the decision, awaiting the ALJ decision. ALJ decision cut penalty in half remainder of case on appeal with Supreme Court. Case being handled by AG. DNR involvement is over. Case still with Supreme Court.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	2/14/02 – Settlement letter to Appellant. Settlement payment due 3/14/02.
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	ALJ decision 2/8/02 affirmed order. No appeal. Awaiting penalty payment.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	2/1/02 – Settlement request to appellant.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Variance until 7/31/02 to test mixed fuel solution.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	4/30/02 Settled. Awaiting penalty payment.

2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	4/30/02 SEP proposal accepted. Awaiting payment.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order. Awaiting penalty payment. 3/18/02 - Referred to AG for collection.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wormson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	3/9/02 Settled. Penalty payment received 4/9/02. Case closed.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	12/3/01 and 12/13/01 – Dept. letters to City with further comments on facility plan. 1/28/2 – Dept. letter to city with WQ based copper effluent limits. 3/8/02 – City engineer letter concerning resolution of appeal issues and proposing new schedule. Letter being reviewed by WW permits engineer.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/HC	Tack	Clean up to be completed by 6/15/02.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. First payment received 12/21/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Hearing set for 6/4/02. Tentative settlement reached.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	3/1/02 – City/industry progressing with facility improvements.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	5/3/02 Sent to DIA to be set for hearing.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Default judgment to be entered in favor of Dept. Appeal closed. Penalty due.

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10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	11/6/01 Settled. Facility agreed to pay penalty in installments. 11/29/01 First installment of penalty received. 12/31/01 Follow-up letter sent regarding penalty payment due. 1/15/02 2nd penalty payment received. 2/18/02 Penalty payment received. 4/8/02 Follow-up letter sent regarding penalty. 4/24/02 Payment received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Petition for judicial review filed. AG to handle.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing was re-set for 5/3/02 but continued for an additional 90 days.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	3/1/02 – City/industry progressing with facility improvements.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	1/25/02 – Dept. settlement offer to City Attorney. 2/1/02 – City Attorney accepted offer. 3/02 – Settled. Consent order to be entered into.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Waiting on consultant and other projects. One application submitted. More applications to be submitted in future.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	Hearing held 4/19/02. Awaiting ALJ decision.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	Hearing held 1/11/02. 2/4/02 – Decision received affirming AO. No appeal. Awaiting penalty payment.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wormson	Tier 2 submitted. Negotiating penalty.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	3/18/02 FO5 letter to City approving POA and schedule for joint project between Plano and Promise City. Amended order with new schedule drafted. 4/22/02 Amended order issued with project schedule. Case closed.

5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	2/02 Settlement offer accepted. SEP payment received. Case closed.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	4/20/02 Sent to DIA.
5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	5/1/02 Settled. Awaiting penalty payment.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Sent to DIA.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Compliance achieved, negotiating penalty pending change in UST fund rule.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/WW	Hansen	11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision. 3/14/02 – Notice received from bankruptcy court regarding proposed assumption of lease for plant by AgriProcessors, Inc.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	Clark unable to pay. Placed on State lead. Case closed.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Compliance except for penalty. Hearing indefinitely postponed. Monitor compliance.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Compliance except for penalty. Hearing indefinitely postponed. Monitor compliance.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close. 4/24/02 Letter sent.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy. Negotiating with trustee.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Negotiating penalty or SEP.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	4/15/02 - Proposed decision upheld by EPC.
8/15/01	Trajet Products, Inc.	4	Admin. Order/Penalty	AQ	Preziosi	5/3/02 Sent to DIA. Meeting set for 5/8/02.
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule. 3/27/02 Dept. settlement offer with schedule for improvements. 4/29/02 Letter received from WS attorney regarding settlement.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City. 12/18/01 – City

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						attorney responded to Dept. offer.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Settled. Case closed.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wormson	Negotiating before filing.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/WW	Tack	Settled. Penalty payments received. Case closed.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wormson	Compliance achieved except for probationary period.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wormson	4/20/02 Sent to DIA.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wormson	Negotiating before filing.
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure. 3/22/02 – Proposed decision appealed to EPC.
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	3/20/02 Letter from school regarding its return to compliance. 5/1/02 Dept. settlement offer sent to school.
11/21/01	Clearfield, City of	4	Admin. Order/Penalty	WW	Hansen	3/20/02 City letter to FO regarding compliance with AO. 5/1/02 Dept. settlement offer sent to City.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	Negotiating before filing.
11/30/01	Dave Kabela	6	Admin. Order/Penalty	AFO	Clark	4/12/02 Settlement payments received. Case closed.
12/03/01	Farmers Cooperative Co.	4	Admin. Order	AQ	Book	4/3/02 Case closed.
12/06/01	Pella Corporation; Sioux Center and Pella	5	Permit Conditions	AQ	Book	Settled. Case closed.
12/07/01	Crestwood Acres	1	Admin. Order	WS	Murphy	Hearing set for 5/21/02.
12/10/01	Max and Phyllis Graber; Burdean Graber	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/01	Blair's Ferry Manor	1	Admin. Order	WS	Murphy	3/28/02 – Sent to DIA.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
12/21/01	Altoona, City of	5	Admin. Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
12/24/01	Joe & Mary Schuster	2	Admin. Order/Penalty	AQ/SW	Preziosi	Negotiating before filing.

12/26/01	Dean Drees; Rimade, Inc.	4	Permit Revocation	SW	Tack	3/28/02 Decision for DNR. Decision appealed to EPC 4/18/02.
12/31/01	Heartland Express	6	Order/Penalty	UT	Wormson	Compliance initiated. Negotiating penalty.
1/04/02	Negus-Sons, Inc. (Whispering Woods)	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/04/02	Artistic Manufacturing Corp.	5	Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
1/08/02	Warren Frozen Foods, Inc.	5	Order/Penalty	WW	Murphy	3/21/02 – Settlement offer made.
1/08/02	Bee Rite Tire Disposal	5	Order	HC	Tack	Proposed decision by ALJ on 2/21/02 affirming Dept.'s revocation of permit and emergency closure. 3/22/02 – Proposed decision appealed to EPC.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Murphy	Negotiating before filing.
1/10/02	Nichols Aluminum	1	Permit Denial	AQ	Book	Further testing complete. Case closed.
1/14/02	George Redman	5	Order/Penalty	AQ	Preziosi	Negotiating before filing.
1/14/02	AGP – Sheldon Plant	3	Permit Conditions	AQ	Preziosi	Meeting set for 5/8/02.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Negotiating before filing.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	3/29/02 – Dept. letter to MHP attorney requesting more information on appeal issues.
1/24/02	Bowlaway Lanes	1	Order/Penalty	WS	Tack	Negotiating before filing.
1/28/02	Ira Community Service Assoc.		Permit Conditions	WS	Hansen	FO5 attempting to resolve appeal directly with WS and operator.
1/28/02	John Cox	3	Order/Penalty	AQ/SW	Book	Meeting held 3/12/02. Working on a long-term clean-up plan. Will submit plan by 4/12/02. Plan submitted. Dept sent compliance plan. He has until 5/10/02 to review.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wormson	Negotiating before filing.
1/29/02	Van Meter Development Corp. (Whispering Pines)	5	Order/Penalty	WW	Murphy	Sent to DIA 4/30/02.
1/29/02	Advance Millwork of Iowa	6	Order/Penalty	AQ	Book	Settlement reached. Consent amendment signed. Payment plan established.
1/30/02	Montgomery County Landfill Association	4	Order/Penalty	SW	Tack	3/22/02 – Proposed consent order sent.
2/06/02	Art's Way Manufacturing	3	Order/Penalty	AQ	Book	Awaiting as-built submittals by 4/1/02 prior to meeting. Delay with UNI, applications will be submitted by 5/1/02.
2/08/02	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	Hearing set for 6/3/02.
2/22/02	Well's Dairy, Inc.	3	Permit Conditions	AQ	Book	Appeal of 14 construction permits. Appeal to be resolved by modification of applications. Construction permit section working on modifications.
2/25/02	Lee County	6	Permit Conditions	WW	Hansen	Negotiating before filing.

3/08/02	Philip M. Siglin	4	Certification Revocation	WW/WS	Murphy	4/10/02 Appeal withdrawn. Case closed.
3/13/02	Sapp Bros. Truck Stops, Inc.	4	Order/Penalty	WS	Murphy	Negotiating before filing.
3/14/02	Brett George d/b/a Cedar Valley Tree Service	6	Order/Penalty	AQ/SW	Tack	Negotiating before filing.
3/19/02	Asbestos Handlers, Inc.	1	Order/Penalty	AQ	Book	Negotiating before filing.
3/20/02	Mike Messerschmidt	6	Order/Penalty	AQ/SW	Book	Negotiating before filing.
3/21/02	Allerton, City of	5	Order/Penalty	WW	Hansen	4/30/02 Dept settlement offer sent.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	New case. City of Ft. Dodge attempting to enroll site in federal clean-up program. Appeal on hold until 10/02.
4/12/02	Well's Dairy, Inc.	3	Order/Penalty	WW	Hansen	New case. 4/26/02 Letter sent to company attorney regarding request for stay of order.
4/17/02	Lawrence Handlos	4	Order/Penalty	AFO	Clark	New case.
4/22/02	Big Rock Country Club	1	Order/Penalty	WS	Tack	New case.
4/23/02	AssaAbloy Door Group, LLC d/b/a Curries Co.	2	Denial of Exemption for Construction Permit	AQ	Book	New case. Meeting set for 5/8/02.
4/24/02	Robinson Brothers Environmental	5	Order/Penalty	AQ	Book	New case.
4/30/02	Dennis Frederickson; Mark Frederickson	4	Order/Penalty	AQ/SW	Preziosi	New case.

During the period April 1, 2002 through April 30, 2002, 5 reports of wastewater bypasses were received. A general summary and count by field office is presented below. This does not include bypasses resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '01	9(5)	1	.0211	0	0(0)
November '01	4(1)	1	0.00133	2	0(0)
December '01	3(1)	2	3.50002	1	0(0)
January '02	4(5)	1	.007485	1	0(0)
February '02	5(2)	1.2	.012	2	0(0)
March '02	2(10)	1	.000125	0	0(0)
April '02	5(3)	1	0.50215	2	0(0)
May '01	10(0)	14.51	0.047	5	0(0)
June '01	6(0)	2	0.049	0	0(0)
July '01	6(0)	1.2	0.069	1	0(0)
August '01	9(0)	1.78	.044	0	1(0)
September '01	5(0)	1	.005	3	0(0)

(Numbers in parentheses for same period last year)

Note: data not previously collected,

Thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	1	1	1	1

INFORMATION ONLY

NEXT MEETING DATES

Liz Christiansen said that the next meeting would be held in West Burlington at Southeastern Community College. The meeting is scheduled to begin at 1:00 but it may be moved up approximately an hour if it needs to be done. The IEC hearing is scheduled for 6:30 p.m. in the same location.

ADJOURNMENT

Motion was made by Terry Townsend to adjourn. Seconded by Rita Venner. Motion carried unanimously.

With no further business to come before the Environmental Protection Commission, Chairperson Murphy adjourned the meeting at 5:30 p.m., Monday, May 20, 2002.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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